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THE  
STATE OF PRISONS  
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STATE OF PRISONS  
AND OF  
CHILD-SAVING INSTITUTIONS IN THE CIVILIZED  
WORLD.

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As stated in the Note to the Preface of this work, the Author died suddenly a few weeks before it was finally issued from the Press. All orders for the work and communications in regard to it, therefore, may be addressed to Rev. FRED. H. WINES, Springfield, Illinois, or to

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## P R E F A C E.

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THE present work is the result of eighteen years of close study and wide observation. It is a vast repository of facts, relating to a vital interest of society, which in our day belongs more to the domain of statesmanship than to that of philanthropy. What chiefly concerns the reader is to be assured that the record is trustworthy, — that what claim to be facts are such in reality. In order to this assurance he must be satisfied as to the character of the sources from which the record is made up. The guarantees of trustworthiness offered by the author are these: —

1. Much the larger portion of the facts contained in this volume is drawn from official communications personally addressed to him by the various Governments of the world.

2. Another considerable part has been furnished by printed reports stamped with the official seal.

3. A large amount of information has been communicated by experts, specialists, and functionaries of various name and grade, in a correspondence extending to every region of the globe, and running through a long series of years.

4. The author has been materially aided in his work by not a few of the diplomatic and consular officers of the United States, who, through the courtesy of the State Department both under Secretary Fish and Secretary Evarts, have supplied him with numerous interesting details relating to the penitentiary systems and administrations of the several countries to which they have been accredited.

5. The information so obtained has been verified, corrected, or supplemented, as the case might be, by the personal observations of the author in nearly all the more important prisons and States of Europe and America, as well as through personal converse with numerous officials conspicuously connected with the administration of penal justice and prison discipline in the same countries.

The author finds it impossible to thank by name all who have lent him a helping hand in this labor, for while the catalogue would be too long, some names would be unavoidably omitted. He begs therefore, in this general way, to convey to his helpers, one and all, his profound acknowledgments and most sincere thanks for their assistance, given with an alacrity equal to its generosity, though often amid pressing engagements, and at the sacrifice, it may be, of more important as well as more agreeable duties.

The reader of these pages cannot fail to be impressed with the extraordinary degree of thought and activity now being given by the Governments of the civilized world, and by the wise and good of all countries, to the problem of making crime less than it is. If the present work shall hasten by an hour the coming of the auspicious day, when effective agencies shall be applied to the repression and still more to the prevention of crime, which is a perpetual menace to the peace and order of society, the author will not have lost his reward. An ideal system, such as the author conceives might accomplish the end in view, if adopted on conviction and faithfully carried into effect, is briefly sketched in the concluding Book of the present volume, to which special attention is invited.

E. C. W.

IRVINGTON-ON-THE-HUDSON, NEW YORK,  
December, 1879.

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NOTE. — Within three days after writing the above Preface, and while the proof-sheets of some ninety pages of his book were yet unrevised by him, the author suddenly died, almost without premonitory symptoms of any approaching fatal disease. The work, however, has been completed in exact accordance with his well-known plans and wishes, and is now committed by the family and friends of Dr. WINES to the public, with the devout desire that all which he had so ardently hoped for it may be abundantly fulfilled.

# CONTENTS.

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## Book First.

### AN HISTORICAL REVIEW OF PRISON REFORM AND CHILD-SAVING WORK.

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#### PART FIRST.

##### PRISON REFORM.

| CHAPTER  | PAGE |
|--|------|
| I. Dark Ages of Prison Life . . . . .  | 1    |
| II. Early Breathings towards Prison Reform in England . .  | 6    |
| III. An Effective Advance in Italy . . . . .   | 7    |
| IV. Further Progress in England . . . . .  | 8    |
| V. Remarkable Progress in Belgium . . . . .  | 10   |
| VI. John Howard and his Work of Prison Reform . . . . .  | 12   |
| VII. Prison Reform after Howard's Death . . . . .  | 15   |
| VIII. Mrs. Fry and her Prison Work . . . . .   | 16   |
| IX. Sir Robert Peel's consolidated Jail-Act . . . . .  | 18   |
| X. Work of the London Prison-Discipline Society . . . . .  | 18   |
| XI. Dark Age of Prison Life in the United States . . . . .   | 22   |
| XII. Beginning and Progress of Prison Reform in the United<br>States . . . . .                               | 23   |
| XIII. Struggle between the Pennsylvania and Auburn System . .  | 25   |
| XIV. Further Progress of Prison Reform in England . . . . .  | 27   |
| XV. Reformation of the Criminal, or Protection of Society . .  | 29   |
| XVI. The Question of Transportation in England . . . . .   | 30   |
| XVII. Prison Reform in Spain by Montesinos . . . . .   | 30   |
| XVIII. Prison Reform by Obermaier in Germany and Despine in<br>Savoy . . . . .                               | 32   |
| XIX. Maconochie's Work at Norfolk Island, and Crofton's in<br>Ireland . . . . .                              | 32   |
| XX. Count Sollohub's Experiment in Russia . . . . .  | 33   |
| XXI. Prison Reform in Sweden under Royal Leadership . . . .  | 34   |
| XXII. Prison Reform in France. — Royal Prison Society of 1819 .  | 36   |
| XXIII. Prison Reform in France ( <i>continued</i> ).— M. Charles Lucas,<br>his Writings and Labors . . . . . | 37   |

| CHAPTER |   | PAGE |
|---------|---|------|
| XXIV.   | Prison Reform in France ( <i>concluded</i> ). — More recent Movements . . . . . | 40   |
| XXV.    | Recent Progress in Belgium . . . . .  | 42   |
| XXVI.   | International Prison Congresses . . . . .                                       | 42   |
| XXVII.  | Congress of Frankfort, 1845 . . . . .   | 43   |
| XXVIII. | Congress of Brussels, 1846. . . . .   | 44   |
| XXIX.   | Congress of Frankfort, 1857 . . . . .   | 44   |
| XXX.    | Congress of London, 1872 . . . . .  | 45   |
| XXXI.   | Congress of Stockholm, 1878 . . . . .   | 57   |
| XXXII.  | Professional Education of Prison Officers . . . . .                             | 65   |

## PART SECOND.

### CHILD-SAVING WORK.

|          |   |    |
|----------|---|----|
| XXXIII.  | Child-Saving Work among the Ancient Hebrews . . . . .         | 67 |
| XXXIV.   | Child-Saving Work in the Primitive Christian Church . . . . . | 69 |
| XXXV.    | Supreme Importance of this Work . . . . .                     | 71 |
| XXXVI.   | Child-Saving Work in Germany . . . . .                        | 73 |
| XXXVII.  | Child-Saving Work in England . . . . .                        | 75 |
| XXXVIII. | Child-Saving Work in the United States . . . . .              | 80 |
| XXXIX.   | Child-Saving Work in France . . . . .                         | 81 |
| XL.      | Child-Saving Work in other Countries . . . . .                | 84 |

## Book Second.

### THE UNITED STATES.

## PART FIRST.

### UNITED STATES IN GENERAL.

|       |   |     |
|-------|---|-----|
| I.    | Special Relation of United States Government to Prison Work . . . . .   | 87  |
| II.   | Early History of Cellular and Associated Imprisonment . . . . .   | 90  |
| III.  | Different Classes of Prisons . . . . .  | 92  |
| IV.   | Aggregate Value of Property. — Cells. — Officials. — Salaries. — Cost and Earnings. — Sexes. — Foreigners . . . . . | 93  |
| V.    | Vicious Organization . . . . .  | 95  |
| VI.   | Public Opinion becoming more Enlightened . . . . .  | 96  |
| VII.  | Moral Forces replacing Physical Force . . . . .   | 99  |
| VIII. | Actual Problems in American Prison Management . . . . .   | 100 |
| IX.   | Religious and Educational Agencies . . . . .  | 100 |



| CHAPTER   | PAGE |
|---|------|
| X. Proper Size of Prisons . . . . .                               | 103  |
| XI. Prison Industries. — Labor Systems . . . . .                  | 106  |
| XII. The Contract System of Prison Labor . . . . .                | 108  |
| XIII. The Lease System of Prison Labor . . . . .                  | 111  |
| XIV. Character and Causes of Crime . . . . .                      | 112  |
| XV. Divers Facts . . . . .  | 114  |
| XVI. County Jails . . . . .                                       | 115  |
| XVII. Lock-ups . . . . .  | 117  |
| XVIII. Sentences and Executive Clemency . . . . .                 | 119  |
| XIX. Dietaries and Hygiene . . . . .                              | 120  |
| XX. Aid to Discharged Prisoners . . . . .                         | 121  |
| XXI. Commutation Laws. — Participation in Earnings . . . . .      | 123  |
| XXII. Reformatory and Preventive Institutions . . . . .           | 125  |
| XXIII. Child-Saving Work in the City of New York . . . . .        | 127  |
| XXIV. Child-Saving as a Preventive of Crime in New York . . . . . | 130  |
| XXV. Hopeful Character of Child-Saving Work . . . . .             | 131  |

## PART SECOND.

### INDIVIDUAL STATES OF THE AMERICAN UNION.

|   |     |
|---|-----|
| XXVI. New England States. — Massachusetts . . . . .                               | 133 |
| XXVII. New England States ( <i>continued</i> ). — Rhode Island . . . . .          | 136 |
| XXVIII. New England States ( <i>continued</i> ). — Connecticut . . . . .          | 138 |
| XXIX. New England States ( <i>continued</i> ). — New Hampshire . . . . .          | 140 |
| XXX. New England States ( <i>continued</i> ). — Maine . . . . .                   | 145 |
| XXXI. New England States ( <i>concluded</i> ). — Vermont . . . . .                | 147 |
| XXXII. Middle States. — New York . . . . .  | 149 |
| XXXIII. Middle States ( <i>continued</i> ). — New Jersey . . . . .                | 154 |
| XXXIV. Middle States ( <i>concluded</i> ). — Pennsylvania; Delaware . . . . .     | 157 |
| XXXV. Western States — Michigan; West Virginia . . . . .                          | 161 |
| XXXVI. Western States ( <i>continued</i> ). — Ohio . . . . .                      | 164 |
| XXXVII. Western States ( <i>continued</i> ). — Indiana . . . . .                  | 168 |
| XXXVIII. Western States ( <i>continued</i> ). — Illinois . . . . .                | 171 |
| XXXIX. Western States ( <i>continued</i> ). — Wisconsin . . . . .                 | 173 |
| XL. Western States ( <i>continued</i> ). — Minnesota . . . . .                    | 177 |
| XLI. Western States ( <i>continued</i> ). — Iowa . . . . .                        | 178 |
| XLII. Western States ( <i>continued</i> ). — Kansas; Colorado . . . . .           | 180 |
| XLIII. Western States ( <i>concluded</i> ). — Nebraska . . . . .                  | 182 |
| XLIV. Pacific States. — California . . . . .                                      | 184 |
| XLV. Pacific States ( <i>concluded</i> ). — Oregon; Nevada . . . . .              | 186 |
| XLVI. Southern States. — Texas; Louisiana . . . . .                               | 188 |
| XLVII. Southern States ( <i>continued</i> ). — Georgia . . . . .                  | 191 |
| XLVIII. Southern States ( <i>continued</i> ). — Florida; South Carolina . . . . . | 194 |
| XLIX. Southern States ( <i>continued</i> ). — Mississippi; Alabama . . . . .      | 196 |
| L. Southern States ( <i>continued</i> ). — Arkansas; Missouri . . . . .           | 198 |
| LI. Southern States ( <i>continued</i> ). — North Carolina . . . . .              | 201 |

| CHAPTER   | PAGE |
|---|------|
| LII. Southern States ( <i>continued</i> ).— Virginia . . . . .  | 203  |
| LIII. Southern States ( <i>continued</i> ).— Kentucky . . . . . | 205  |
| LIV. Southern States ( <i>continued</i> ).— Tennessee . . . . . | 207  |
| LV. Southern States ( <i>concluded</i> ).— Maryland . . . . .   | 211  |

---

## PART THIRD.

### SEAT OF GOVERNMENT.

|                                     |     |
|-------------------------------------|-----|
| LVI. District of Columbia . . . . . | 214 |
|-------------------------------------|-----|

---

## Book Third.

### GREAT BRITAIN AND HER DEPENDENCIES.

---

## PART FIRST.

### HOME COUNTRIES.

|   |     |
|---|-----|
| I. England.— Change of Prison System . . . . .  | 217 |
| II. England ( <i>continued</i> ).— Progressive Classification in Local Prisons . . . . .                                | 219 |
| III. England ( <i>continued</i> ).— Centralization . . . . .  | 219 |
| IV. England ( <i>continued</i> ).— Diet Scales.— Cumulative Sentences . . . . .   | 221 |
| V. England ( <i>continued</i> ).— Religious and Scholastic Instruction.— Libraries.— Buildings.— Moral Action . . . . . | 221 |
| VI. England ( <i>continued</i> ).— Reformatory and Preventive Systems . . . . .   | 223 |
| VII. England ( <i>concluded</i> ).— Aid to Discharged Prisoners . . . . .   | 225 |
| VIII. Scotland.— Transitional Stage.— Convict System . . . . .  | 228 |
| IX. Scotland ( <i>continued</i> ).— County Prisons.— Police Supervision.— Aid to Discharged Prisoners . . . . .         | 229 |
| X. Scotland ( <i>continued</i> ).— A new Plan Suggested Extra-Officially . . . . .                                      | 230 |
| XI. Scotland ( <i>concluded</i> ).— Aid to Discharged Prisoners.— Child-Saving Institutions . . . . .                   | 232 |
| XII. Ireland.— Convict System . . . . .   | 233 |
| XIII. Ireland ( <i>continued</i> ).— County-Jail System . . . . .   | 238 |
| XIV. Ireland ( <i>concluded</i> ).— Reformatory and Preventive System . . . . .   | 239 |
| XV. Royal Commission on Convict Prisons.— Reforms Recommended . . . . .   | 240 |

## PART SECOND.

## COLONIAL POSSESSIONS.

| CHAPTER  |   | PAGE |
|----------|---|------|
| XVI.     | Canada . . . . .  | 248  |
| XVII.    | Ontario . . . . .   | 250  |
| XVIII.   | Newfoundland . . . . .  | 251  |
| XIX.     | Nova Scotia. — New Brunswick. — Prince Edward's<br>Island. — Vancouver Island. — British Columbia. —<br>Falkland Islands. — Bermuda . . . . . | 253  |
| XX.      | Jamaica . . . . .   | 257  |
| XXI.     | Bahamas . . . . .   | 259  |
| XXII.    | Trinidad . . . . .  | 262  |
| XXIII.   | St. Vincent . . . . .   | 265  |
| XXIV.    | Grenada . . . . .   | 266  |
| XXV.     | Barbadoes . . . . .   | 267  |
| XXVI.    | Tobago . . . . .  | 270  |
| XXVII.   | Santa Lucia . . . . .   | 271  |
| XXVIII.  | Antigua. — British Honduras . . . . .   | 273  |
| XXIX.    | Mauritius . . . . .   | 274  |
| XXX.     | Turks Islands. — British Guiana. — St. Kits. — Nevis. —<br>Virgin Islands. — Dominica . . . . .   | 278  |
| XXXI.    | Gibraltar. — Natal . . . . .  | 281  |
| XXXII.   | Cape of Good Hope . . . . .   | 283  |
| XXXIII.  | Gambia . . . . .  | 285  |
| XXXIV.   | Malta. — St. Helena . . . . .   | 288  |
| XXXV.    | Ceylon . . . . .  | 289  |
| XXXVI.   | New Zealand . . . . .   | 294  |
| XXXVII.  | Fiji. — Straits Settlement . . . . .  | 297  |
| XXXVIII. | Labuan . . . . .  | 299  |
| XXXIX.   | New South Wales . . . . .   | 301  |
| XL.      | South Australia . . . . .   | 304  |
| XLI.     | Victoria . . . . .  | 307  |
| XLII.    | Queensland. — Tasmania. — Western Australia. — Hong<br>Kong . . . . .   | 311  |

## PART THIRD.

## EAST INDIAN EMPIRE.

|         |  |     |
|---------|--|-----|
| XLIII.  | Growth of the Prison System in India. — Lord Macaulay's<br>Committee of Inquiry in 1836 . . . . .  | 314 |
| XLIV.   | A Second Commission in 1864 and a Third in 1877 . . . . .  | 315 |
| XLV.    | Jail Code of Bengal . . . . .  | 316 |
| XLVI.   | Police. — Criminal Courts. — Reports. — Prison Popula-<br>tion. — Buildings. — Administration. — Employés. —<br>Cost. — Defective Organization . . . . . | 317 |
| XLVII.  | Prison Statistics — Prison Labor . . . . .   | 820 |
| XLVIII. | Dietaries. — Discipline. — Schools . . . . .   | 322 |

| CHAPTER  | PAGE |
|--|------|
| XLIX. Prisoners as Warders. — Intermediate Imprisonment and Agricultural Colonies. — Reconversions. — Prison Horticulture. — Mortality . . . . . | 325  |
| L. Convict Settlement on the Andaman Islands . . . . .   | 327  |
| LI. Aid to Discharged Prisoners. — Reformatories. — Conclusion . . . . .   | 327  |

## Book Fourth.

### CONTINENTAL EUROPE.

#### PART FIRST.

##### FRANCE.

|  |     |
|--|-----|
| I. Prison Administration . . . . .                     | 329 |
| II. Explanation of Certain Terms . . . . .             | 329 |
| III. Classification of Prisons . . . . .               | 330 |
| IV. Transfer of Prisoners . . . . .                    | 331 |
| V. Law of 1875 . . . . .                               | 332 |
| VI. Hygiene . . . . .                                  | 332 |
| VII. Classification of Sentences . . . . .             | 332 |
| VIII. Classification of Prisoners . . . . .            | 333 |
| IX. Earnings. — Peculium. — Labor . . . . .            | 333 |
| X. Personnel. — Other Functionaries . . . . .          | 334 |
| XI. Special Provision for Insane Criminals . . . . .   | 335 |
| XII. Rewards and Punishments . . . . .                 | 336 |
| XIII. Religious and Moral Agencies . . . . .           | 336 |
| XIV. Illiteracy. — Schools. — Libraries . . . . .      | 337 |
| XV. All Labor Industrial. — Recidivists . . . . .      | 337 |
| XVI. Patronage of Liberated Prisoners . . . . .        | 338 |
| XVII. Early Development of Child-Saving Work . . . . . | 338 |
| XVIII. Demetz, and his Work at Mettray . . . . .       | 341 |
| XIX. Movement towards Industrial Schools . . . . .     | 343 |
| XX. Naval and Military Prisons . . . . .               | 344 |
| XXI. Penal Colonies . . . . .                          | 344 |
| XXII. Prisons in Paris . . . . .                       | 345 |
| XXIII. Additional Items . . . . .                      | 350 |

#### PART SECOND.

##### BELGIUM.

|  |     |
|--|-----|
| XXIV. Cellular System . . . . .                        | 352 |
| XXV. Classification of Prisons and Sentences . . . . . | 352 |
| XXVI. Supervision. — Peculium. — Pistole . . . . .     | 353 |



| CHAPTER   | PAGE |
|---|------|
| XXVII. The Prison Staffs . . . . .                                  | 354  |
| XXVIII. Professional Education . . . . .                            | 355  |
| XXIX. Schools. — Libraries. — Moral Lectures . . . . .              | 355  |
| XXX. Religious Instruction . . . . .                                | 356  |
| XXXI. Prison Labor . . . . .  | 357  |
| XXXII. Prison Hygiene . . . . .                                     | 358  |
| XXXIII. The Prisoner's Day . . . . .                                | 358  |
| XXXIV. Patronage . . . . .  | 359  |
| XXXV. Moral Biography of Prisoners. — Question of Rewards . . . . . | 360  |
| XXXVI. Public Opinion as a Governing Force in Prisons . . . . .     | 361  |
| XXXVII. Character of the Discipline . . . . .                       | 362  |
| XXXVIII. Reformatory and Preventive Work . . . . .                  | 363  |

---

## PART THIRD.

### SPAIN.

|  |     |
|--|-----|
| XXXIX. Noble Words by Madame Arenal . . . . .            | 365 |
| XL. Penal Legislation . . . . .                          | 365 |
| XLI. Classification of Punishments and Prisons . . . . . | 366 |
| XLII. The Detention Prison ( <i>Carcel</i> ) . . . . .   | 368 |
| XLIII. The Penal Prison ( <i>Presidio</i> ) . . . . .    | 371 |
| XLIV. Spanish Prisons in Africa . . . . .                | 377 |
| XLV. Prisons for Women . . . . .                         | 377 |
| XLVI. Effect of Imprisonment . . . . .                   | 378 |
| XLVII. Prison Reform . . . . .                           | 379 |
| XLVIII. Grounds of Encouragement . . . . .               | 381 |
| XLIX. Organization of a General Prison Society . . . . . | 382 |
| L. Further Items touching Prison Work in Spain . . . . . | 383 |

---

## PART FOURTH.

### TURKEY.

|   |     |
|---|-----|
| LI. Blacque Bey's Letter to the Author . . . . .          | 385 |
| LII. Prisons at Erzroum, Adrianople, and Cyprus . . . . . | 387 |
| LIII. General Condition of Turkish Prisons . . . . .      | 389 |
| LIV. Additional Items on Turkish Prisons . . . . .        | 390 |

---

## PART FIFTH.

### HOLLAND.

|  |     |
|--|-----|
| LV. Activity in Penitentiary Reform . . . . .  | 392 |
| LVI. Cellular System . . . . .   | 392 |
| LVII. Classification of Prisons and Prisoners. — Funds. — Pen-<br>sions. — Proportion of Women . . . . . | 393 |

| CHAPTER   | PAGE |
|---|------|
| LVIII. Administration. — Inspection. — Officers. — Discipline . . . | 394  |
| LIX. Religious and Literary Instruction . . . . .                   | 395  |
| LX. Prison Labor . . . . .  | 396  |
| LXI. Hygiene of the Prisons . . . . .                               | 396  |
| LXII. Reformatory Action, etc. . . . .                              | 397  |
| LXIII. Aid to Discharged Prisoners . . . . .                        | 398  |
| LXIV. Military Prison at Leyden . . . . .                           | 398  |
| LXV. Cellular Prison at Amsterdam . . . . .                         | 399  |
| LXVI. Detention Prison at the Hague . . . . .                       | 400  |
| LXVII. Child-Saving Work. — Netherlands Mettray . . . . .           | 400  |

## PART SIXTH.

### THE GERMAN EMPIRE.

|  |     |
|--|-----|
| LXVIII. New Penal Code . . . . .                                       | 403 |
| LXIX. Prison Reform Earnestly Studied . . . . .                        | 403 |
| LXX. Influence of Dr. Julius and Professor Mittermaier . . . . .       | 404 |
| LXXI. No General System yet Established . . . . .                      | 405 |
| LXXII. Classification of Punishments and Prisons . . . . .             | 405 |
| LXXIII. Progressive Classification . . . . .                           | 406 |
| LXXIV. Devotion of Baden to Penitentiary Studies . . . . .             | 407 |
| LXXV. Interest in Prison Reform Shown by other German States . . . . . | 407 |
| LXXVI. Baron von Holtzendorff's View of the Irish System . . . . .     | 409 |

## PART SEVENTH.

### INDIVIDUAL STATES OF THE GERMAN UNION.

|   |     |
|---|-----|
| LXXVII. Prussia . . . . .                   | 411 |
| LXXVIII. Grand-Duchy of Baden . . . . .     | 416 |
| LXXIX. Bavaria . . . . .                    | 419 |
| LXXX. Saxony . . . . .                      | 424 |
| LXXXI. Würtemberg . . . . .                 | 427 |
| LXXXII. Frankfort-on-the-Maine . . . . .    | 429 |
| LXXXIII. Grand-Duchy of Brunswick . . . . . | 430 |
| LXXXIV. Bremen . . . . .                    | 434 |
| LXXXV. Hamburg . . . . .                    | 437 |
| LXXXVI. Lübec . . . . .                     | 442 |
| LXXXVII. Principality of Reuss . . . . .    | 443 |

## PART EIGHTH.

### AUSTRO-HUNGARIAN EMPIRE.

|   |     |
|---|-----|
| LXXXVIII. Austria. — Progress since 1872 . . . . .  | 447 |
| LXXXIX. Austria ( <i>continued</i> ). — Administration. — Prisons. — Prison System. — Support. — Pensions . . . . . | 448 |

# CONTENTS.

XV

| CHAPTER   | PAGE |
|---|------|
| XC. Austria ( <i>continued</i> ). — Discipline. — Religion. — Education. — Libraries . . . . .  | 450  |
| XCI. Austria ( <i>concluded</i> ). — Labor. — Hygiene. — Qualifications of Officers. — Imprisonment for Debt. — Causes of Crime. — Aid to Liberated Prisoners . . . . . | 452  |
| XCII. Hungary and Croatia. — Recent Progress . . . . .  | 454  |
| XCIII. Hungary and Croatia ( <i>continued</i> ). — Public Opinion Favorable to Progressive System . . . . .   | 455  |
| XCIV. Hungary and Croatia ( <i>continued</i> ). — Progressive System Adopted . . . . .  | 456  |
| XCV. Hungary and Croatia ( <i>concluded</i> ). — Results of Progressive System . . . . .  | 460  |

## PART NINTH.

### RUSSIAN EMPIRE.

|  |     |
|--|-----|
| XCVI. Russia Proper. — Recent Progress . . . . .   | 462 |
| XCVII. Russia ( <i>continued</i> ). — The Empress's Interest in Prison Reform . . . . .                | 464 |
| XCVIII. Russia ( <i>concluded</i> ). — Additional Items . . . . .                                      | 465 |
| XCIX. Finland. — General View of the Prison Question . . . . .   | 467 |
| C. Finland ( <i>concluded</i> ). — Additional Items . . . . .  | 469 |
| CI. Poland. — Early Efforts towards Child-Saving . . . . .   | 470 |
| CII. Poland ( <i>continued</i> ). — Agricultural Penitentiaries and Industrial Asylums . . . . .       | 471 |
| CIII. Poland ( <i>continued</i> ). — Family System Adopted for Penitentiary Colonies . . . . .         | 472 |
| CIV. Poland ( <i>continued</i> ). — Inmates. — Labor. — Education. — Establishment for Girls . . . . . | 473 |
| CV. Poland ( <i>concluded</i> ). — Comprehensive Plan of Industrial Asylums . . . . .                  | 474 |

## PART TENTH.

### PORTUGAL.

|  |     |
|--|-----|
| CVI. Difficulty in Obtaining Information . . . . .                 | 476 |
| CVII. Condition of Prisons . . . . .                               | 477 |
| CVIII. Accessibility of the Prisons to the Outside World . . . . . | 477 |
| CIX. Hardening Effect of Contact with the Outside World . . . . .  | 478 |
| CX. Bad Effect of Long Delay of Trial . . . . .                    | 479 |
| CXI. The Remedy for such Delay . . . . .                           | 480 |

## PART ELEVENTH.

## ITALY.

| CHAPTER  | PAGE |
|--|------|
| CXII. Classes of Prisons. — Administration . . . . .                           | 481  |
| CXIII. Aim of the Discipline . . . . .   | 481  |
| CXIV. Religion. — Schools. — Libraries . . . . .                               | 482  |
| CXV. Prison Labor . . . . .  | 483  |
| CXVI. Reformatory Results. — Classes and Causes of Crime . . . . .             | 483  |
| CXVII. Child-Saving Work . . . . .   | 484  |
| CXVIII. Agricultural Penitentiary Colonies . . . . .                           | 485  |
| CXIX. Three Penal Codes Proposed. — Additional Agricultural Colonies . . . . . | 486  |
| CXX. Improvements Recently Introduced . . . . .                                | 486  |
| CXXI. Public Interest in Prison Reform . . . . .                               | 488  |
| CXXII. Advance in Child-Saving Work . . . . .                                  | 488  |
| CXXIII. Work of Patronage Extended. — Activity of the Press . . . . .          | 489  |
| CXXIV. Professional Training for Prison Officers . . . . .                     | 489  |

## PART TWELFTH.

## SCANDINAVIAN COUNTRIES.

|   |     |
|---|-----|
| CXXV. Denmark. — Historical Sketch of the Prison Question . . . . .                           | 491 |
| CXXVI. Denmark ( <i>continued</i> ). — Earnest Work Done since 1840 . . . . .                 | 492 |
| CXXVII. Denmark ( <i>continued</i> ). — Patronage Well Organized and Effective . . . . .      | 492 |
| CXXVIII. Denmark ( <i>continued</i> ). — Progressive System Adopted in its Entirety . . . . . | 493 |
| CXXIX. Denmark ( <i>continued</i> ). — Remarkable Success of the System . . . . .             | 496 |
| CXXX. Denmark ( <i>continued</i> ). — Frequent Visitation of Prisoners in Cells . . . . .     | 497 |
| CXXXI. Denmark ( <i>continued</i> ). — Cellular Detention Prison at Copenhagen . . . . .      | 497 |
| CXXXII. Denmark ( <i>continued</i> ). — Child-Saving Work . . . . .                           | 498 |
| CXXXIII. Denmark ( <i>concluded</i> ). — Prisons in Iceland. — Penitentiary Journal . . . . . | 499 |
| CXXXIV. Sweden. — Royal Administration of Prisons . . . . .                                   | 499 |
| CXXXV. Sweden ( <i>continued</i> ). — Classes of Prisons. — Staff. — Personnel . . . . .      | 501 |
| CXXXVI. Sweden ( <i>continued</i> ). — Model Prison for Young Criminals . . . . .             | 502 |
| CXXXVII. Sweden ( <i>continued</i> ). — Methods of Instruction . . . . .                      | 505 |
| CXXXVIII. Sweden ( <i>continued</i> ). — Moral and Religious Instruction . . . . .            | 508 |
| CXXXIX. Sweden ( <i>continued</i> ). — Prison Labor . . . . .                                 | 509 |
| CXL. Sweden ( <i>continued</i> ). — Discipline . . . . .                                      | 511 |
| CXLI. Sweden ( <i>continued</i> ). — Hygiene . . . . .  | 511 |
| CXLII. Sweden ( <i>continued</i> ). — Aid to Discharged Prisoners . . . . .                   | 512 |

# CONTENTS.

xvii

| CHAPTER   | PAGE |
|---|------|
| CXLIII. Sweden ( <i>concluded</i> ). — Child-Saving Work . . . . .                                | 512  |
| CXLIV. Norway. — Classes of Prisons. — Administration . . . . .                                   | 513  |
| CXLV. Norway ( <i>continued</i> ). — Public Opinion Favorable to the Progressive System . . . . . | 515  |
| CXLVI. Norway ( <i>continued</i> ). — Penitentiary at Christiania . . . . .                       | 515  |
| CXLVII. Norway ( <i>continued</i> ). — Fortress Prison at Christiania . . . . .                   | 519  |
| CXLVIII. Norway ( <i>continued</i> ). — House of Correction at Christiania . . . . .              | 521  |
| CXLIX. Norway ( <i>continued</i> ). — Detention Prison at Christiania . . . . .                   | 521  |
| CL. Norway ( <i>continued</i> ). — Prison Labor . . . . .   | 522  |
| CLI. Norway ( <i>continued</i> ). — Recent Improvements . . . . .                                 | 524  |
| CLII. Norway ( <i>concluded</i> ). — Child-Saving Work . . . . .                                  | 524  |

## PART THIRTEENTH.

### SWITZERLAND.

|  |     |
|--|-----|
| CLIII. Extraordinary Progress Realized within the Last Few Years . . . . . | 526 |
|--|-----|

## PART FOURTEENTH.

### GREECE.

|   |     |
|---|-----|
| CLIV. Penal Legislation. — Prison System and Administration . . . . . | 529 |
|---|-----|

## Book Fifth.

### MEXICO AND CENTRAL AMERICA.

## PART FIRST.

### MEXICO.

|  |     |
|--|-----|
| I. No Central Authority. — Prisons in Capital. — Reformatory Institutions. — Political Offenders. — Prison System. — Results . . . . . | 533 |
| II. Encouragement to Prisoners . . . . .   | 534 |
| III. Moral and Religious Agencies. — Education . . . . .   | 535 |
| IV. Prison Labor . . . . .   | 536 |
| V. Aim of Punishment. — Imprisonment for Debt. — Causes of Crime. — Obstacles to Reform . . . . .                                      | 537 |



## PART SECOND.

## CENTRAL AMERICA.

| CHAPTER |   | PAGE |
|---------|---|------|
| VI.     | Guatemala. — Prisons. — Population. — Proportion of Women. — Inspection. — Officials. — Appointment and Qualifications. — Discipline . . . . .                      | 539  |
| VII.    | Guatemala ( <i>continued</i> ). — Moral and Religious Instruction. — Correspondence and Visits. — Education. — Percentage of Females. — Labor. — Expenses . . . . . | 540  |
| VIII.   | Guatemala ( <i>continued</i> ). — Hygiene. — Sentences. — Executive Clemency. — Commutation. — Recidivists . . . . .  | 541  |
| IX.     | Guatemala ( <i>continued</i> ). — Character and Causes of Crime. — Defects. — Reforms Needed . . . . .  | 543  |
| X.      | Guatemala ( <i>concluded</i> ). — Efforts toward Reform. — Progress Realized. — Criminal Justice. — No Needless Delays. — Apparent Increase of Crime . . . . .      | 545  |

## Book Sixth.

## SOUTH AMERICA.

## PART FIRST.

## UNITED STATES OF COLUMBIA.

|      |   |     |
|------|---|-----|
| I.   | State of Prisons in 1870. — Efforts toward Reform . . . . .   | 547 |
| II.  | Death Penalty. — Model Prison at Bogotá. — Labor. — Education. — Encouragements to Prisoners. — Orphan Asylum . . . . .                       | 548 |
| III. | Penal Legislation. — State Penitentiary of Boyacá. — Instruction, Scholastic and Religious. — Under-Officers. — Discharged Convicts . . . . . | 549 |
| IV.  | Progressive System Described . . . . .  | 550 |

## PART SECOND.

## BRAZIL.

|      |   |     |
|------|---|-----|
| V.   | Political Constitution. — Judiciary System. — General Administration. — Inspection. — Internal Administration . . . . .                     | 552 |
| VI.  | Convict Prison. — Labor. — Moral and Religious Agencies. — Penitentiary System. — Progressive Plan Proposed. — Hard-Labor Prisons . . . . . | 553 |
| VII. | Imprisonment of Slaves. — Appointment of Employés. — Discipline. — Religious Education. — Prison Labor . . . . .                            | 554 |

| CHAPTER |   | PAGE |
|---------|---|------|
| VIII.   | Hygiene. — Sentences and their Consequents. — Death Penalty. — Aid to Liberated Prisoners . . . . .                     | 556  |
| IX.     | Type of Crime. — Preventive Institutions. — No Prison Code. — No General System. — Progressive System Favored . . . . . | 558  |

## PART THIRD.

## PERU.

|     |   |     |
|-----|---|-----|
| X.  | Historical Résumé . . . . .   | 560 |
| XI. | Penitentiary of Lima. — Prison System. — Labor. — Results . . . . . | 561 |

## PART FOURTH.

## ARGENTINE REPUBLIC.

|       |  |     |
|-------|--|-----|
| XII.  | Administration of Criminal Justice . . . . . | 565 |
| XIII. | Detention Prisons . . . . .                  | 566 |
| XIV.  | Penitentiary of Buenos Ayres . . . . .       | 567 |

## Book Seventh.

## OTHER COUNTRIES.

## PART FIRST.

## HAWAII.

|       |   |     |
|-------|---|-----|
| I.    | Historical Sketch . . . . .   | 569 |
| II.   | Prison System . . . . .   | 570 |
| III.  | Prison Administration . . . . .   | 570 |
| IV.   | Discipline . . . . .  | 571 |
| V.    | Religious, Moral, and Educational Agencies . . . . .                                | 571 |
| VI.   | Prison Labor. — Prison Hygiene . . . . .  | 571 |
| VII.  | Sentences. — Executive Clemency. — Death Penalty. — Imprisonment for Debt . . . . . | 572 |
| VIII. | Recidivists. — Discharged Prisoners. — Witnesses . . . . .                          | 573 |
| IX.   | Reformatory Institution . . . . .   | 573 |
| X.    | Preventive Agencies . . . . .   | 574 |

## PART SECOND.

## LIBERIA.

| CHAPTER |  | PAGE |
|---------|--|------|
| XI.     | Common Jail. — Religious Agencies. — Character of Crime.<br>— No Prison Schools or Libraries. — Lectures . . . . .               | 575  |
| XII.    | Labor. — Hygiene. — Sentences . . . . .  | 575  |
| XIII.   | Imprisonment for Debt. — Reformation. — Deterrence. —<br>No Aid Societies. — Witnesses . . . . .                                 | 576  |
| XIV.    | Character of Crime. — No Reformatory Institutions. —<br>Government Not Satisfied. — Administration of Criminal Justice . . . . . | 577  |
| XV.     | Additional Items on Liberian Prisons . . . . .   | 577  |

## PART THIRD.

## EMPIRE OF MOROCCO.

|        |   |     |
|--------|---|-----|
| XVI.   | Administration of Criminal Justice . . . . .              | 578 |
| XVII.  | Administration of Prisons . . . . .                       | 578 |
| XVIII. | Prisons in the Interior. — At Tangier. — At Fez . . . . . | 579 |
| XIX.   | Justice Administered by a Religious Code . . . . .        | 579 |
| XX.    | Officials. — Abuses . . . . .                             | 579 |

## PART FOURTH.

## SIAM.

|       |   |     |
|-------|---|-----|
| XXI.  | Siamese Jails. — Cruelties Practised . . . . .                    | 581 |
| XXII. | Punishments. — Abuses. — Inoffensiveness of the Siamese . . . . . | 581 |

## PART FIFTH.

## PERSIA.

|        |   |     |
|--------|---|-----|
| XXIII. | Fixity of Koranic Law. — Modified Interpretations and<br>Applications . . . . .   | 582 |
| XXIV.  | Promptness of Persian Justice. — Penalties. — Cruelties. —<br>Lynch Law . . . . . | 582 |
| XXV.   | Prisons of Persia. — Abuses by Jailers . . . . .                                  | 583 |



## PART SIXTH.

## CHINA.

| CHAPTER |   | PAGE |
|---------|---|------|
| XXVI.   | Criminal Laws of China . . . . .                      | 585  |
| XXVII.  | Prisons and Prison Administration in Canton . . . . . | 586  |
| XXVIII. | Abuses in Prison Administration . . . . .             | 592  |

## PART SEVENTH.

## JAPAN.

|          |   |     |
|----------|---|-----|
| XXIX.    | Preliminary Statement . . . . .   | 595 |
| XXX.     | Historical Review . . . . .   | 595 |
| XXXI.    | Prison System . . . . .   | 597 |
| XXXII.   | Prison Administration. — Officials. — Qualifications . . . . .                  | 597 |
| XXXIII.  | Reformation. — Means Employed. — Rewards. — Punishments . . . . .               | 598 |
| XXXIV.   | Religion. — Education. — Correspondence. — Visits. — Women . . . . .            | 599 |
| XXXV.    | Prison Labor. — Its Results . . . . .   | 600 |
| XXXVI.   | Sanitary State of the Prisons . . . . .   | 601 |
| XXXVII.  | Sentences. — Life Prisoners. — Death Penalty. — Imprisonment for Debt . . . . . | 602 |
| XXXVIII. | Reformatory Results. — Liberated Prisoners . . . . .                            | 603 |
| XXXIX.   | Reformatory Institutions . . . . .  | 603 |

## Book Eighth.

## MISCELLANEOUS POINTS.

## PART FIRST.

## IDEAL SYSTEM OF INSTITUTIONS FOR THE PREVENTION AND REPRESSION OF CRIME.

|       |   |     |
|-------|---|-----|
| I.    | Minimization of Crime . . . . .   | 605 |
| II.   | Supreme Central Authority Needed. — Gradation of Institutions . . . . . | 606 |
| III.  | Preventive Institutions . . . . .                                       | 607 |
| IV.   | Reformatory Institutions . . . . .                                      | 610 |
| V.    | The Lock-up. — The County Jail . . . . .                                | 611 |
| VI.   | Bases of a Reformatory Prison Discipline . . . . .                      | 613 |
| VII.  | Agencies to be Used in Reforming Criminals . . . . .                    | 616 |
| VIII. | Professional Education of Prison Officers . . . . .                     | 624 |
| IX.   | Care of Discharged Prisoners . . . . .                                  | 625 |

| CHAPTER   | PAGE |
|---|------|
| X. The Juvenile Prisons . . . . .                         | 625  |
| XI. The House of Correction, or District Prison . . . . . | 629  |
| XII. Prisons for Women . . . . .                          | 630  |
| XIII. State-Prisons for Men . . . . .                     | 630  |
| XIV. Subsidiary Suggestions . . . . .                     | 632  |
| XV. Criminal Reform . . . . .                             | 640  |
| XVI. Conclusion . . . . .                                 | 604  |

## PART SECOND.

### CRIME,—ITS CAUSES AND CURE.

|   |     |
|---|-----|
| XVII. Despine's View as to the Rôle of Science in the Matter of Criminality . . . . . | 641 |
| XVIII. Despine's View of the Treatment of Criminals Suggested by Science . . . . .    | 650 |
| XIX. Critique on Despine's Philosophy . . . . .                                       | 655 |

## PART THIRD.

### STUDIES IN PENITENTIARY SCIENCE.

|   |     |
|---|-----|
| XX. Mode of Executing Penalties . . . . .                 | 661 |
| XXI. Assimilation of Penalties . . . . .                  | 663 |
| XXII. Transportation. — Inspection . . . . .              | 666 |
| XXIII. Prison Statistics . . . . .                        | 667 |
| XXIV. Professional Education of Prison Officers . . . . . | 669 |
| XXV. Disciplinary Punishments . . . . .                   | 671 |
| XXVI. Conditional Liberation . . . . .                    | 672 |
| XXVII. Cellular System . . . . .                          | 673 |
| XXVIII. Duration of Cellular Separation . . . . .         | 674 |
| XXIX. Patronage . . . . .                                 | 675 |
| XXX. State Aid to Patronage . . . . .                     | 678 |
| XXXI. Reformatory Institutions . . . . .                  | 679 |
| XXXII. Preventive Institutions . . . . .                  | 682 |
| XXXIII. International Police . . . . .                    | 684 |
| XXXIV. Relapse . . . . .                                  | 685 |

## PART FOURTH.

### CHILD-SAVING INSTITUTIONS IN GERMANY.

|  |     |
|--|-----|
| XXXV. Origin of these Institutions. — Their Character . . . . .                                | 688 |
| XXXVI. History of German Child-Saving Institutions . . . . .                                   | 689 |
| XXXVII. Leading Principles. — Conditions of Success. — Congregate and Family Systems . . . . . | 693 |

## CONTENTS.

xxiii

| CHAPTER   | PAGE |
|---|------|
| XXXVIII. Discipline. — Religious Education. — Discharge . . . . | 699  |
| XXXIX. Results . . . . .  | 700  |

---

## Appendix.

|  |     |
|--|-----|
| A Plan for Giving Breadth, Stability, and Permanence to the Work of<br>Crime-Prevention and Crime-Repression . . . . . | 703 |
|--|-----|



# STATE OF PRISONS

AND

## CHILD-SAVING INSTITUTIONS IN THE CIVILIZED WORLD.

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### Book First.

AN HISTORICAL REVIEW OF PRISON REFORM AND  
CHILD-SAVING WORK.

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### PART FIRST.

PRISON REFORM.

#### CHAPTER I.—DARK AGES OF PRISON LIFE.

THE “dark ages” of prison life were very dark. They were also long and dreary, extending from the origin of civil societies to the beginning of the eighteenth century of the Christian era. It will be enough to recall the names of the Mamertine at Rome, the Tower of London, the Bastile in Paris, the Spielberg in Austria, the Plombs of Venice, the Mines of Siberia, and the Dungeons of the Inquisition, as types of tens of thousands of others, less renowned but no less cruel, in all ages and all parts of the world. The terrific personification of punishment in the Hindu code was a living reality in them all: “Punishment is the inspirer of TERROR; with a black aspect and a red eye it terrifies the guilty.” No sentiment of humanity towards the prisoner seems ever to have penetrated the breast of his jailer; no look or tone of kindness ever to have saluted the culprit’s senses, or soothed the misery of his incarceration. The inscription over the entrance of Dante’s “Inferno,” — “Let all who enter here leave hope behind,” — stood, through centuries and cycles, over all the prison gates of the world, crushing every aspiration and paralyzing all effort, except the effort to escape from the hated hell.

The prison existed in China more than two thousand years before the vulgar era. In a Chinese work, entitled “Shu-king,” bearing date about 2600 years before Christ, mention is made of the punishment of the prison. The emperor Yao, it is therein



related, having occasion to punish four disturbers of his kingdom, banished three of them, and kept the fourth closely confined in prison. A curious story is told of the young king Tai-Kia, who, deaf to the monitions of his minister Y-in, instead of following the example of his predecessors, gave himself up to every species of vice. The minister tried to reform him ; but the king would not listen. Thereupon Y-in declared : "The conduct of the king is but a series of vices ; his associations accord with his nature. No communication must be allowed him with evil companions. I will cause to be built a palace in Tong. There, near the ashes of his royal sire, I will give him instructions, to the end that he may no longer pursue a vicious life." Accordingly the king took up his solitary abode in the palace of Tong, put on mourning (a prison dress !), and at length entered into the true path of virtue. Was this the first case of separate imprisonment ? Let the cellurists score one for their system, for it is the only case on record, in all antiquity, of a reformed prisoner.

The prison was not one of the institutions given by Moses to the Hebrews. It crept into the Hebrew manners at a later day, but is nowhere mentioned in the "Book of the Law." The nearest approach to it in that code was in the cities of refuge, where persons—who, having committed an involuntary homicide, had fled thither to escape the avenger of blood—were kept in duress until the death of the high priest. Still, frequent mention is made of the prison in the sacred books. The earliest instance therein recorded is that of Joseph, who was thrust into prison on the false accusation of a shameless woman,—the wife of Potiphar, captain of the guard,—where he lay unjustly immured for years.

To render the punishment of imprisonment more or less severe, the prison would seem to have consisted of different parts. First, there were subterranean dungeons, to which the descent was by means of ropes, and in which the prisoner remained sunk in mud and mire, exposed to a lingering death (Jer. xxxviii. 6). Then there was the prison proper, in which the prisoners were ordinarily confined (Josephus, l. 10 ; c. 10). Finally, there was the "court of the prison," where the prisoners enjoyed the open air, and could converse and transact business with their friends (Jer. xxxii. 7-12). Of Samson, when taken by the Philistines and thrown into prison, it is recorded that "he did grind corn in the prison-house." From this it would appear that prisoners were sometimes at least put to work, and their labor turned to account. It further appears, from the before cited Chinese book "Shu-king," that a certain considerable enclosure of land in China was assigned to the inmates of a prison. "It would thus seem," says Mr. Beltrani-Scalia, "that the convicts were employed in cultivating the soil on which they lived. Was not this a sort of agricul-

tural colony, on the invention of which our age so much prides itself?"

Tortures of a horrible severity were practised upon prisoners by the ancient Persians, Egyptians, Phœnicians, and Carthaginians. The word "prison" among those peoples meant a place of sighs and groans and weeping,—an abode most hideous, loathsome, and terrific. Hence my friend, and the friend of all who seek the improvement of prisons and prisoners, Signor Beltrani-Scalia, well remarks: "Not short would be the narration, if I should here produce all the historical attestations of the cruelty and ferocity that characterized the treatment of prisoners among the nations of the East."

Torture was not only freely employed, but was even studied as a science, so that the greatest possible amount of pain might be inflicted without destroying life, and in such manner that the wretched object might soonest be ready to undergo it again. It was made, in fact, the principal part of prison treatment for long centuries; and when, in Italy, Beccaria first raised his voice against it, and showed its folly as well as its wickedness, men were amazed at his daring to meddle with a practice so time-honored, of such easy application, and withal, as was thought, so useful in its effects. It still lingers in countries where it can be practised without publicity, for "the dark places of the earth are full of cruelty."

Turn we now to Greece, the mother of philosophy, art, and literature. The laws of Athens, till modified by Solon, were cruel to a proverb,—"*Dracon* made every crime capital, and punished it with death." The laws of Sparta were hard and relentless to the last degree.

Did the prison exist in Athens? Yes, beyond a doubt. Plato, in his "*Apology of Socrates*," after having made Socrates refute, one by one, all the accusations of his enemies, draws him into a conversation on the punishments that might be given to him. Among others, that of the prison was discussed, when Socrates thus expressed himself: "What! from fear of suffering the punishment to which Miletus adjudges me (concerning which I confess that I know not whether it is a good or an evil), shall I instead select, myself, that which I certainly know to be an evil, and adjudge and condemn myself to it? Shall I choose the punishment of the prison?—What will perpetual imprisonment avail me? Shall I choose a pecuniary fine, and undergo the prison till it is paid?—But I have just said that I have no money wherewith to pay such fine. Shall I expiate my offence by exile?—for perhaps you will adjudge me to that punishment."

On the prison, Plato, the thinker for the ages, thus declared his opinion in his book "*De Legibus*:" "Let there be," he said, "three prisons in the city: one for the safe-keeping of persons awaiting

trial and sentence; another for the amendment of disorderly persons and vagrants, those guilty of minor offences, to be called a *Sophonesterion*,—that is, a house of correction, a place for teaching wisdom and continence,—which should be visited, especially at night, by the magistrates, called *sophonestoi*; a third, to be situated in the country, away from the habitations of men, and to be used for the punishment of offenders." Here we have the detention prison (what the French call *la prison préventive*), the municipal prison (the English county or borough jail), and the convict, state, or central prison,—a remarkable approach to the modern idea of a penitentiary system. But this was only the conception of a great thinker, and was never applied in actual administration by the statesmanship of antiquity. According to Plutarch, a feeble effort in that direction was made by Solon, who, desiring to remove from the prison something of its horror, proposed to change even its name, and to call it by a word signifying habitation, dwelling, abode,—thus covering up, under fair and pleasing expressions, things in themselves foul and displeasing. These, so far as I know, are the only two gleams of light that ever shone upon the dense mass of darkness that hung like an unbroken pall of death over prisons and prisoners for thousands of years.

Of the prisons of Sparta we know only what is stated in a passage of Plutarch, to the effect that there was in them an apartment where prisoners condemned to death were strangled, and into which King Agis was dragged, after sentence by the ephori, to answer with his life the crime of having sought to revive the government of Lycurgus.

Horrible were the prisons of Peloponnesus, as shown in a description left by Plutarch of those of Messene, where he speaks of "subterraneous chambers without external air or light, and of the *machine* (meaning the prison) being without a door, but closed by a huge rock placed upon it." So, as it appears, the terrible labyrinth of Crete was a prison; but, according to Plutarch again, the Cretans claimed that it was a prison which had nothing bad about it, except that those who were put in were never able to get out!—a sufficient horror one would think.

Glancing now for a moment, and only a moment, at the prisons of ancient Rome, I remark that we know nothing of their internal organization and administration, and little of the pains and punishments inflicted by the magistrates upon the prisoners confined in them. Among the aboriginal tribes of the Italian Peninsula, which afterwards united and formed the Roman people, the oldest government was patriarchal. The father of the family was absolute judge, from whom there was no appeal within the domestic walls: there was none to whom he was responsible



for punishments inflicted in consequence of acts done within that sacred enclosure. But Livy relates that as the number of citizens increased crimes multiplied in equal ratio, and a prison was built in the midst of the city, near the forum, to frighten and hold in check the growing audacity. This is what Guizot has said in his "*History of Civilization*": "The progress of society is precisely to substitute, on the one hand, the public authority for personal will, and, on the other, legal for individual resistance." The first prison was built by Ancus Marcius, and received the name of Mamertine. Afterwards, both population and crime increasing, King Tullius erected a second prison, as is commonly thought, under the Mamertine, which was called, after his own name, the Tullian prison. These prisons were both celebrated as the scene of intense suffering to the early Christians. It is well nigh certain that St. Paul, on his second incarceration, was imprisoned in the Mamertine; and the tradition is—though of this there is more doubt, and indeed the probabilities are against it—that St. Peter was confined there also. It was in the Tullian prison, according to Sallust, that Lentulus and the other conspirators who joined with Catiline were put to death by strangulation. He describes it as "a dark, foul hole, emitting a horrible stench, and fearful in aspect." Other prisons were added as time rolled on and population increased, whose necessity is thus bemoaned by Juvenal, in his third Satire:—

"*Felices proavorum atavos! felicia dicas  
Saecula! quae quondam sub regibus atque tribunis  
Viderunt uno contentam carcere Romam.*"<sup>1</sup>

Christianity, ever quick to discern and as quick to relieve human wrong and misery, did what it could, amid innumerable and formidable obstacles, to ameliorate the condition of prisoners under the emperors who succeeded Constantine. The Christian rulers not only authorized the humane intervention of the Church, but they even sought and required it; for example, in charging the bishops to provide, in concert with the magistrates, by regular visits and inquests that no prisoner should be unjustly detained or submitted to inhuman treatment, and to cause to be released those who, despite the laws, had been shut up in the private prisons. See the codes of Theodosius II. and Justinian, the latter of whom especially counted much in this respect upon the active and charitable aid of the bishops.

<sup>1</sup> Happy ancestors! fortunate ages! which, of yore, under kings and tribunes, saw Rome satisfied with a single prison.

## CHAPTER II. — EARLY BREATHINGS TOWARDS PRISON REFORM IN ENGLAND.

IT is scarcely necessary to pursue this history, which flows on with almost unbroken current through the lapsing ages. Beyond some rescripts of the Christian emperors referred to above, enjoining a more humane treatment of prisoners, everywhere there reigned the stillness of death.

Some breathings of desire for a better state of things were heard in England as far back as the reign of Edward VI.,—about the middle of the sixteenth century (1550). In a sermon preached before that monarch, Latimer lifted up his voice against the heathenism of the London prisons. "Oh," said he, "I would ye would resort to prisons,—a commendable thing in a Christian realm. I would there were curates of prisons, that we might say, 'The curate of Newgate,' 'The curate of the Fleet;' and I would have them waged for their labor. It is holyday work to visit the prisoners, for they be kept from sermons." Fox, in his "Book of Martyrs," often glances sharply at the iniquities practised and the miseries endured in prisons in the reign of Mary, which succeeded that of the sixth Edward. In Elizabeth's reign (1558–1603) Bernard Gilpin regularly visited all the jails that fell within the range of his missionary circuits in the northern counties of England. But the first regular treatise on prison abuses appeared in 1618, in the reign of James I., under the title of "Essayes and Character of a Prison and Prisoners," from the pen of "Geffrey Mynshull, of Gray's Inn, Gent." Mynshull was an insolvent debtor, who plaintively whiled away his time while in prison in the composition of his quaint but instructive jeremiad. In his description of the English prison as a school of villany, a moral pest-house, a sink of debauchery, and a place where the penniless might starve to death; and in his catalogue of malpractices, stripings for garnish,<sup>1</sup> carousings at the tap, squeezings for fees, etc.,—he completely anticipated the revelations of Howard.

A noteworthy attempt at prison reform took place soon after the formation of the Christian Knowledge Society, in 1699. A committee of prisons was appointed, which inspected Newgate and the Marshalsea, visited the prisoners in their cells, distributed some money among them, and reported the result of their investigations to the Society. Dr. Thomas Bray, chairman of the committee, followed the report by an "Essay towards the Reformation of Newgate and the other Prisons in and about London." This document, which is still extant, and is printed in the first chapter

<sup>1</sup> "*Pensiuncula carceraria*, an entrance fee demanded by the old prisoners of one just committed to jail."—WEBSTER.

of Hepworth Dixon's "Life of Howard," is a remarkable one in several respects. It presents a vivid picture of the abuses and immoralities of the London jails, offers a series of shrewd practical suggestions on the management of prisons, anticipates many of the improvements of later years in prison discipline, and boldly recommends that provision be made to keep every prisoner in a distinct cell, — the first proposition for separate imprisonment, I think, ever suggested. The result of the effort thus made was: the distribution of some religious books to the London prisons; the despatch of a parcel of such books to every county jail in England; the gift of a pulpit to the Marshalsea, and provision for religious services therein. Beyond this nothing is recorded, and it is probable that nothing further resulted, though it is something — it is a good deal — to have accomplished so much.

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### CHAPTER III. — AN EFFECTIVE ADVANCE IN ITALY.

BUT we come now, in the dawn of the eighteenth century, to a real and effective step forward in the work of prison reform, taken in 1704, by a power from which few in the Protestant world would have looked for it, — the supreme Pontiff of Rome. There and then, however, beyond all doubt, was first established in the juvenile prison of St. Michael, for boys and young men, the plan of prison discipline which has since been, and is to-day, known as the "Auburn system," — that is to say, of separate cellular imprisonment by night, and silent associated labor by day. This prison is historic. Howard visited and praised it a hundred years ago; but it had a history before, most interesting and instructive. He found over the prison door this inscription: "*Clemens XI., Pontifex Maximus, perditis adolescentibus corrigendis instituendisque, ut qui inertes oberant, instructi, reipublicæ serviant. Anno Salutis MDCCIV, Pontificis IV,*" — "Clement XI., Supreme Pontiff [reared this prison], for the reformation and education of criminal youths, to the end that those who, when idle, had been injurious to the State might, when better instructed and trained, become useful to it. In the Year of Grace 1704; of the Pontiff the fourth." Within the prison, on a marble slab inserted in the wall, he found this (as he terms it) "admirable sentence": "*Parum est improbos coercere pœnâ, nisi bonos efficias disciplina,*" — "It is of little use to restrain criminals by punishment, unless you reform them by education."

In this golden sentence Howard found, as every right-thinking



man must, the true policy of all just prison treatment. In the centre of the principal working-room was hung up, in large letters visible to all, the word, "SILENTIUM,"—indicating that, while sleeping in separate cells at night, the work of the prisoners must go on by day in silence. So that, as would appear, the system of associated silent labor by day and cellular separation at night, combined with a reformatory prison discipline, was inaugurated at Rome in the very beginning of the eighteenth century,—one hundred and seventy-three years ago; and that one of the main agencies relied upon to effect such reformation was industrial labor. This was more than a hundred years prior to the introduction of the same system in America, by Elam Lynds and his associates. Surely, Pope Clement XI. must be allowed a place among the most enlightened of sovereigns. That such a doctrine should have been taught and such a practice inaugurated at the seat of the papacy, and by the Pontiff himself, at a time when chains, dungeons, and tortures were almost the only forms of public punishment in the rest of the world, is a marvel. But let honor be given where honor is due.

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#### CHAPTER IV.—FURTHER PROGRESS IN ENGLAND.

WE must now, pursuing the subject chronologically, take another glance at the progress of the work in England. From the date of the effort made by the Christian Knowledge Society, and the publication of Dr. Bray's Essay towards the reformation of Newgate and other prisons in and around London (1699), the whole subject would seem to have died out of mind till the year 1728, when General Oglethorpe—illustrious as the founder of the State of Georgia, then a member of Parliament—procured the appointment of a committee of the House of Commons, to "inquire into the state of jails in this Kingdom." Parliament took up the investigation warmly. Corruptions, peculations, and abuses of the most flagrant kind were brought to light. News-writers and pamphleteers took up the subject. Hogarth helped to intensify the public indignation by an illustrative picture and engraving. It was in compliment to Oglethorpe's committee that Thompson, in bringing out a new edition of "The Seasons" in 1730, introduced the following lines:—

"Ye sons of mercy! yet resume the search,  
Drag forth the legal monsters into light;  
Wrench from their hands oppression's iron rod,  
And make the cruel feel the pang they give."

These lines were a prophecy. Some of the "legal monsters" were, indeed, made to feel the pangs they gave. Bambridge of the Fleet, Acton of the Marshalsea, and Huggins and Barnes of the King's Bench prison were ejected from their governorships, and subjected to legal prosecution; and some of them were sentenced to imprisonment within the very walls of the prisons where they had practised their abuses and cruelties. Some legislation was had as the result of the labors of this committee; but little was effected in the way of practical reform.

In 1735 another parliamentary committee was created, with one William Hay at its head. Hay was a deformed pigmy in person, but a man of clear head, strong sense, and genuine benevolence. He was far in advance of his times on questions of social reform. His report was an able, sagacious, comprehensive document; too wise and far-reaching in its recommendations for his contemporaries, but many of its suggestions have since been enacted into law.

About this time the cause of prisoners was taken up in another quarter. The members of the "godly club," embracing the Wesleys, Whitefield, and the most zealous of their followers, prayed, preached, and distributed alms in all the jails, bridewells, and bedlams that came within their circuits; and it was only on compulsion that they at length desisted from this part of their labors.<sup>1</sup>

Prison reform struggled on, with but dubious success, for many years. Owing to the alarming increase in the consumption of alcoholic liquors, crimes multiplied at a rapid rate, and Acts for hanging criminals at an equal pace. Capital felonies had arisen to one hundred and sixty, and went on increasing till the list contained two hundred and twenty-two. The publication of Blackstone's "Commentaries," in 1765, gave a rude shock to the public confidence in such severe penalties; and translations of Montesquieu's "Spirit of Laws," and of Beccaria on "Crimes and their Punishment," added to the force of the blow. In 1772 a clergyman by the name of Denne, in a letter to Sir Robert Ladbroke, proposed and advocated separate imprisonment as a means of reforming criminals and thereby checking crime. To Denne is commonly given the credit of being the first proposer and champion of this system, although, as the reader has seen, Dr. Bray made a suggestion to that effect as early as 1699, and a few lines to the same purport occur in a sermon by Bishop Butler in 1740. Denne's pamphlet attracted much attention at the time of its publication, and Howard quotes it with respect some years later.

The same year that produced Denne's letter was marked by a

<sup>1</sup> It was in allusion to this prohibition that Wesley made the sarcastic remark, "We are forbidden to preach in jails, lest we should make the prisoners wicked; and in bedlams, lest we should make their inmates mad."

still more hopeful token of the coming reform, — the organization of a Society, which exists to this day, for the relief of poor debtors. The following year an act of parliament was passed, authorizing the magistrates at the quarter sessions to appoint chaplains to their jails. This was the first official recognition of the fact that prisoners are within the pale of salvation; and thus was fulfilled the passionate desire of Bishop Latimer, expressed in his sermon preached in the presence of Edward VI., more than two centuries before. The same year Mr. Popham introduced into parliament a bill for the abolition of jailer's fees and the payment of fixed salaries instead. A few months earlier John Howard, the illustrious philanthropist, the world-renowned prison reformer, had been appointed high-sheriff for Bedfordshire. Thus did the shadows of the night begin to disappear, and the pale upshootings of the dawn to skirt the distant horizon.

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#### CHAPTER V. — REMARKABLE PROGRESS IN BELGIUM.

NEAR the middle of the eighteenth century all Europe was desolated by the scourge of innumerable tramps, which the laws and customs of that time rather encouraged than repressed. Out of this fact grew a remarkable reform in penitentiary science and practice in that part of Europe which now forms the Kingdom of Belgium. That enlightened and able sovereign Maria Theresa, moved by the state of things mentioned above, sought to introduce measures for its removal. Prince Charles, then governor-general of Flanders (1765), called the attention of the privy council at Vienna to the inefficacy of whipping, branding, and torturing for the repression of the evil. M. de Fierlant, in strong language before the council, denounced as useless the employment of infamous and torturing punishments, and advocated the immediate establishment of houses of correction. With profound philosophical insight, he declared that people without honor could not be restrained by the fear of infamy; that neither the scaffold, the scourge, nor the branding-iron could ever put an end to disorders that had their source in a dislike of work; and that the only means of correcting the lazy and the idle was to compel them to labor. The empress herself wrote two papers on the subject, honorable alike to her intelligence and her humanity, in which she recommended the gradual abolishment of capital punishment except in cases of atrocious crimes, and the establishment of correctional prisons to take its place. But the most important agent in this work of reform was the Viscount Vilain XIV., one



of the wisest and most gifted statesmen who have ever contributed, by the light and warmth of their genius, to the progress of humanity. He was the planner and founder of the great central or convict prison (*maison de force*) at Ghent, opened in 1775, on the plan of separate sleeping cells at night and associated labor by day, — a second anticipation of the Auburn system of imprisonment.

It would be interesting to go into some detail as to the history and character of this remarkable reform, but lack of space forbids. Only the general principles on which the prison was organized and managed can be stated, and that in the briefest terms. Here, then, in the prison of Ghent, we find already applied nearly all the great principles which the world is even to-day but slowly and painfully seeking to introduce into prison management. What are they? Reformation as a primary end to be kept in view; hope as the great regenerative force; industrial labor as another of the vital forces to the same end; education, religious and literary, as a third essential agency; abbreviation of sentence and participation in earnings as incentives to diligence, obedience, and self-improvement; the enlistment of the will of the criminal in the work of his own moral regeneration, — his new birth to a respect for law; the introduction of variety of trades into prisons; the mastery by every prisoner of some one handicraft as a means of honest support after his liberation; the use of "the law of love and love in law" as an agent in prison discipline, to the exclusion as far as possible of the grosser forms of force, which act upon the will mainly through the body; the utter worthlessness of short imprisonments and the absolute necessity of longer terms to effective reformation; and, finally, the care, education, and industrial training of the children of the poor, and of all children addicted to vagrant habits or otherwise in peril of falling into crime, — an anticipation, in all essential aims, of the industrial school and juvenile reformatory of the present day.

Howard visited this prison in 1776, and again in 1778. He found there three hundred and fifty prisoners, — one hundred and ninety-one men and one hundred and fifty-nine women. Being present at the dinner of the men, he admired the regularity, decency, and order with which every thing was done at the word of the director. Not the least noise or wrangling was heard. He remarks: "This assemblage of one hundred and ninety criminals, robust and turbulent, seems to be governed with greater facility and less confusion than would be an assemblage composed of an equal number of educated men in civil society." All this was effected by moral forces even at that early day, when the rule of public punishment and prison discipline the world over, and even in other parts of Flanders, was barbarity and torture.



## CHAPTER VI.—JOHN HOWARD AND HIS WORK OF PRISON REFORM.

THE name of Howard has just been mentioned. That name brings us back to England, where he was then just beginning his remarkable career as a prison-reformer.

The state of English prisons, — for cruelties, filth, loathsome sickness, and manifold abominations, — prior to and at that time, was almost past belief. The central evil of the system was that the jailer, free from supervision and restraint, was left to make his living, and even to enrich himself, out of the prisoners. No salary was paid, but on the contrary the place was often purchased. As a matter of course, rapacity became a leading characteristic of the race of jailers. Extortion was legalized, for the law as well as custom laid the cost of the prisons upon the prisoners themselves. Such are the outlines of the picture; the filling up was in keeping. Fees, rents, parings of rations, garnish, filth, squalor, starvation, swarms of vermin, colonies of rats, the sale even of the privilege of begging, the systematic stimulation of vices which the keepers knew how to make profitable, drunkenness and debauchery in their most horrid forms, ponderous irons of cruel tightness, thumbscrews, underground dungeons, chaining to dead bodies, jail fevers which swept away their wretched victims by scores and hundreds, the villanous trading on prisoner's lusts, elaborate and ingenious contrivances for fleecing both debtors and creditors, and a shameless feeling of magistrates, up even to the Lord Chief-Justice himself, to induce them to remain in convenient ignorance of a thousand iniquitous practices, — these things, and such as these, are among the details that complete the sickening picture.

What has been not inaptly called Howard's "universal jail-commission" arose out of his appointment to the shrievalty of Bedfordshire. It is worth while to relate, in his own words, the way in which he was, without any previous purpose of his own, led into the work of prison visitation. "The circumstance," he writes, "which excited me to activity in behalf of prisoners was the seeing some who by the verdict of juries were declared not guilty, some on whom the grand jury did not find such an appearance of guilt as subjected them to trial, and some whose prosecutors did not appear against them, after having been confined for months, dragged back to jail and locked up again till they should pay sundry fees to the jailer, the clerk of assize, etc. In order to redress this hardship, I applied to the justices of the county for a salary to the jailer in lieu of his fees. The bench were properly afflicted with the grievance, and willing to grant

the relief desired, but they wanted a precedent for charging the county with the expense. I therefore rode into several counties in search of a precedent, but I soon learned that the same injustice was practised in them; and, looking into the prisons, I beheld scenes of calamity which I grew daily more and more anxious to alleviate. In order, therefore, to gain a more perfect knowledge of particulars and the extent of the evil by varied and accurate observation, I visited most of the county jails in England. Seeing in two or three of them some poor creatures whose aspect was peculiarly deplorable, and asking the cause of it, I was answered, 'They were lately brought from the bridewells.'<sup>1</sup> This started a fresh subject of inquiry. I resolved to inspect the bridewells, and for that purpose I travelled again into the counties where I had been, and indeed into all the rest, examining bridewells and city and town jails. I beheld in many of them, as well as in the county jails, a complication of distresses; but my attention was principally fixed by the jail-fever and the small-pox, which I saw prevailing to the destruction of multitudes, not only of felons in their dungeons, but of debtors also."

Howard began his labors as a prison-reformer in 1773, at the age of forty-six, and continued them, as Carlyle says, "with unequalled energy, patience, practicality, sedulity, and sagacity," to the day of his death, which occurred, while busily pursuing his mission in the Russian Crimea, January 20, 1791. The number of journeys he made and the toil he expended in the prosecution of his self-imposed mission during those years were something wonderful. "I am a plodder," he said of himself, "who go about to collect materials for men of genius to make use of." His philosophy was quite of the inductive school. He never indulged in abstract speculations; his forte was common-sense suggestions drawn from wide and careful observation.

Finding the English public and parliament utterly ignorant on the subject of prisons, Howard ransacked Europe for the desired information, but left to others—Blackstone, Popham, Eden (afterwards Lord Auckland), and Romilly—the task of evolving principles and framing laws out of his vast accumulation of facts. With his measuring tape, weighing scales, and note-book, he repeatedly visited every jail in England, and once at least all the principal prisons in every continental State; some of them several times. He never took a statement on hearsay, but cross-questioned keepers, turnkeys, and prisoners. He explored every dungeon and cell himself, closely scrutinizing each with his own eyes. Finally, having satisfied his exacting conscience by repeated revision and verification, he brought out his book on the "State of Prisons," with its twenty-five quarto

<sup>1</sup> Another name for jail, or house of correction; the distinction is not clearly marked.

pages of "proposed improvements," ballasted by five hundred and odd pages of facts. It was his intense truthfulness, his imperious conscience, and his indomitable will that made him what he eventually became,—a European *censor morum*. Far from being a courtly man, and by no means a respecter of persons,—grave, patient, energetic, unselfish, intensely religious, never shrinking from any suffering or danger,—in season and out of season he "plodded," as he himself says, about his task, dragging abominations into daylight, and forcing them upon the notice of all whom it concerned. He once spent forty days of voluntary quarantine on board a filthy lazaretto at Venice, in order to learn the full truth about its management. Within a month afterwards, and while still quaking with the effects of a quarantine fever, he had a private interview with the Emperor Joseph of Austria, during which he seems to have told him all the most unpalatable facts he knew concerning the imperial prisons.

Howard's labors and writings awakened a wide-spread interest in prison reform. His book on the "State of Prisons" called forth numerous reviews. One of these was a glowing eulogy from the pen of Sir Samuel Romilly, illustrious for his labors in favor of law-reform. Other works on the same subject soon appeared from the press. Jonas Hanway denounced English jails as "schools for instruction in iniquity," and laid down the proposition that association is "irreligious, inhuman, and impolitic." He proposed a plan of solitary imprisonment, to be enforced with much rigor,—recommending not only separate cells, but separate exercise yards, and separate stalls in the chapel. As indispensable adjuncts to solitude, he proposed labor, the firm and just government of a "gentleman keeper," and the religious ministrations of an able, earnest chaplain. "To render the punishment subservient to no end but terror," he says, "is but half the work; it is intended to preserve the prisoner, and restore him to the world with impressions of religion and social love in his mind." Hanway, it will thus be seen, anticipated the essential principles, as well as the incidental exaggerations, of the modern system of cellular imprisonment.

In 1779 Howard published a second edition of his "State of Prisons," with an additional volume containing the results of his further investigations at home and abroad. Considerable progress was reported. His strictures had borne fruit. Few prison authorities had altogether neglected his recommendations. In many jails salaries had been granted to the keepers in lieu of fees; jail fever had largely disappeared. These improvements were due almost wholly to Howard's personal exertions. They were substantial and important, yet they fell far short of his wishes and aims. "At this point," he said, "the spirit of improvement seems to stop, scarcely touching that still more important object,—the reformation of morals in our prisons."



With unabated zeal Howard continued his prison visitation till 1784, when he brought out a third edition of the "State of Prisons," embodying all the fresh information he had gathered. In this he was obliged to report a retrogression instead of an advance, so far as his own country was concerned. In many localities the interest in prisons was either on the wane or already extinct. The jails were overcrowded, and the jail-fever had again appeared with desolating effect. A chief cause of this overcrowding, with its inevitable consequences, was the suspension of transportation to America in consequence of the separation of the colonies from the mother country. New outlets were sought for the enormous accumulation of the convict population. Sierra Leone was tried, but proved a failure. At length, in May, 1787, Commodore Phillips set sail from Spithead for Botany Bay, in New South Wales, in charge of a convoy of seven transports, laden with eight hundred felons, male and female,—the founders of the British Australian empire. Howard was vehemently opposed to transportation. He saw that it involved the postponement, if not indeed the abandonment, of his long and much cherished scheme of penitentiaries for the reformation of criminals. "The gentlemen," he said, "who defeated the design of penitentiary houses, and adopted the costly, dangerous, and destructive scheme of transportation to Botany Bay, I leave to their own reflections on their conduct." A few months after penning these lines, Howard died,—a life-weary, disheartened, disappointed man.

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## CHAPTER VII. — PRISON REFORM AFTER HOWARD'S DEATH.

THE interest in prisons, feeble before, waned still further after Howard's death. Yet in a few districts his reforms were pursued with vigor and success. The most notable instance of this was in Gloucestershire, where Sir George O. Paul, an enlightened and energetic magistrate, whom Howard had inoculated with his doctrine and inspired with his zeal, worked out a complete prison-system for the county, consisting of four bridewells, and of a common jail and penitentiary combined, which last is in the city of Gloucester. The penitentiary—which the present writer has had the pleasure of visiting and inspecting—was modelled on the reformatory principles of Howard. Two cells were allowed to each convict,—one to sleep in, the other to work in. But the solitude was far from being unbroken. The prisoners met every morning in the chapel; and in the evening, before they were locked up, they were permitted

to "walk for exercise and air in the airing yards of the prison," but always in the presence of an officer. Excellent work was done in that prison when first erected, and is still, — indeed, has never ceased to be done there. Nothing better can be asked than that under the new régime things may move on as well in the future as they have in the past. The world does not contain a more efficient prison-board than the body of local magistrates for the county of Gloucester has shown itself to be through its entire history.

Two years after Howard's death Jeremy Bentham proposed a prison on a new plan, — a strange compound of semi-sound principles and impracticable details. He called it a "panopticon;" because, from a central argus-chamber a continual inspection of the prisoners was to be kept up by means of a system of reflectors, and that by night as well as by day. It is unnecessary to give a detailed account of the plan, as it never was nor could be carried into effect.

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#### CHAPTER VIII. — MRS. FRY AND HER PRISON WORK.

FOR nearly a quarter of a century the cause of prison reform languished, and was in a half moribund condition; that is to say, from the death of Howard in 1791 till Mrs. Elizabeth Fry's work in Newgate became the talk of the town and the topic of the platform. Owing to her aristocratic connections, her husband's wealth, her thorough goodness, and her peculiar gift of exhortation she had become a spiritual leader among the Quakers, and was one of their most prominent preachers. Through the influence of William Allen and Stephen Grellet (the famous American Quaker) Mrs. Fry, accompanied by only one lady, paid three visits to Newgate prison in 1813, and distributed some coarse clothing among the women. On the third visit, the ladies had the courage to kneel down and pray in the midst of the rabble. "I heard weeping," wrote Mrs. Fry in her journal, "and I thought they appeared much tendered; a very solemn quiet was observed. It was a striking scene, the poor people around us on their knees, in this deplorable condition." Nearly four years passed before Mrs. Fry resumed her ministrations. About Christmas, 1816, she and a friend named Mary Sanderson obtained permission to try the experiment of a reformatory discipline at Newgate. An unoccupied room was assigned them, in which they established a school under one of the prisoners, whom the rest elected as school-mistress. Other ladies joined in the work,

and in April, 1817, eleven friends and a clergyman's wife formed themselves into an "Association for the Improvement of female Prisoners in Newgate." They first drew up a set of rules, to which the women promised obedience. They then procured materials for employment, formed the prisoners into working companies, found a market for their productions, provided them with decent clothing out of their own earnings, and established Bible classes among them.

By these measures the savage rabble was reduced to decency and order. The city dignitaries and prison officials could scarcely credit what they saw. A letter by Robert Dale Owen, published in all the newspapers, drew public attention to the Newgate ladies and their work. The visitors, already numerous, increased and multiplied. On the two public mornings in the week, parties of inspection streamed through Newgate. Fashionable philanthropists, benevolent aristocrats, members of parliament, cabinet ministers, royal dukes and duchesses, flocked to the philanthropic show, and the experiment was swamped through its very success.

However, the publicity it had enjoyed was not without its use. It thoroughly aroused the popular interest in prison reform; and Mrs. Fry had all the gifts necessary to utilize the motive-power which she had evoked. Her indefatigable exertions stimulated into wide activity the newly-awakened and increasing interest in prison discipline. She was an invaluable ally to Wilberforce, Buxton, and the whole community of benevolent innovators. It was through her influence that prison discipline and the amelioration of the penal code were raised to an equality with the abolition of slavery. It was she who firmly established the principle that none but women should be employed in the superintendence of women prisoners. She did more than any one else to introduce Christian faith and godliness as the essential basis of a reformatory prison discipline. She was the first to ameliorate the condition of female convicts on board the transport ships and in the English colonies. These, together with her wide, earnest, long-continued, and successful labors in this direction all over the continent of Europe, constitute her direct contribution to the development of prison discipline and the progress of prison reform. But her indirect aid to the cause—by awakening an interest in it among the high, the wise, and the noble, wherever she went—was of no less, if not indeed of even greater, importance to it.



## CHAPTER IX. — SIR ROBERT PEELE'S CONSOLIDATED JAIL-ACT.

CONTEMPORANEOUSLY with the work of Mrs. Fry there was formed in London, in 1815, a "Society for the Improvement of Prison Discipline." Its influence for good was not unimportant. It guided the hitherto desultory efforts of individuals; collected and diffused valuable information; and organized and conducted numerous inspections of prisons in all parts of the realm. Pamphlets on prisons swarmed from the press, and found eager readers. Buxton's "Inquiry into the Present System of Prison Discipline" ran through six editions in a year. Another parliamentary jail-commission was created, which found the prison laws a medley of bewildering statutes, full of anomalies, crudities, and contradictions. Sir Robert Peel put the twenty-three most important of these statutes into his crucible, and transmuted the whole into the consolidated jail-act, which came into effect in 1823. The principle of separation by day as well as by night was discarded, Mrs. Fry and the prison-discipline society being vehemently opposed to it. Classification was substituted, but upon a vicious principle,—legal offence being made the basis, without regard to either age, character, or conduct in prison; so that the very object of classification was defeated, whether that object be the separation of the more hardened from the less hardened, or the excitation of all to an improved behavior. Other reforms effected by the act were more valuable. Female prisoners were to be placed exclusively under the charge of female officers; short daily services were to be held in the chapel; reading and writing were to be taught; important restrictions were laid on the jailer's hitherto unchecked power; both keeper and chaplain were to make regular reports to the court of quarter sessions, and the court to the Government. This jail-act of Peel gave a wonderful stimulus to prison reform. In many of the counties the justices thoroughly reorganized the prisons; and in nearly all the discipline was more or less improved.

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## CHAPTER X. — WORK OF THE LONDON PRISON-DISCIPLINE SOCIETY.

BRIEF mention was made of this Society in the last chapter; but the importance of its work and influence entitle it to a more extended notice in a review such as the author has now in hand. Its full title was, "Society for the Improvement of Prison



Discipline and for the Reformation of Juvenile Offenders." Created in 1815, it was twin sister to that founded in Philadelphia in 1776, being, so far as I know and believe, the second of the great prison societies of the world. The third was the Royal Prison Society of France, organized in 1819; and the fourth, the Boston Prison-Discipline Society, established in 1824.

The English Prison-Discipline Society grew out of the alarming increase of crime and the consequent growing number of convictions and executions; and it was founded on the belief that wherever the law has affixed a punishment short of death, it has, or should have, two objects in view,—the repression of the offence and the reformation of the offender. It held that fear alone is not sufficient to deter from crime, but that if in addition abhorrence of vice and love of virtue can be excited; if religious and moral principles can be instilled; if sober and industrious habits can be formed,—society will have all the security which the condition of humanity allows us to expect.

When death is not the penalty of crime, imprisonment, varying in duration, is the common punishment. The great inquiry therefore for the Society was, how far such imprisonment could be rendered beneficial at once to the criminal and to society. This was the point of departure for the studies and labors of the newly-formed association.

A considerable part of the Society's work was given to the condition and requirements of juvenile transgressors. All that will be eliminated from the present chapter, as being more suitable for treatment in the second part of the present Book, — namely, that relating to child-saving work.

In its wide and abundant inspection of jails it found the system of prison discipline universally defective, or rather it reported an entire lack of system as everywhere apparent. Want of classification appeared in their view to be a chief defect. Boys were thrown into the association of veteran thieves, and young girls into that of veteran prostitutes. Want of employment was also found to be a conspicuous defect: all attempts at reformation they pronounce hopeless without useful occupation. Prison architecture was made an object of earnest study. Attention was given to the prisoner's needs at the supreme hour of liberation. Necessary clothing was provided; tools were supplied; pecuniary aid judiciously bestowed; and work secured when possible. Nor this alone. The Society also founded a refuge or asylum for destitute and distressed prisoners. This was intended not only for those who had been imprisoned and discharged, but for those also who had been acquitted as not guilty, who yet had the odium of the "prison bird" still clinging to them. These as well as the liberated found in the asylum comfortable accommodation till they could be provided for, either by procuring suitable employ-

ment, by reconciling them to their friends, or by passing them to their parochial settlements. The refuge was opened in 1818, and during that and the next year two hundred and ten persons were admitted, of whom one hundred and seventy-seven were provided for, thirteen remained in the establishment, and twenty were dismissed or absconded. All therefore, except the twenty, were probably saved from ruin.

Many of the suggestions and labors of the Society, says Mr. Hoare, its treasurer, were by some "regarded as the visionary efforts of an excessive philanthropy." But he adds: "A new plan has been gradually developed, in which moral restraint removes the necessity of brutal violence: a system equally opposed to that dangerous indulgence which permits scenes of vice, drunkenness, and debauchery to be exhibited, and to that useless cruelty which, producing no beneficial effect in the way of example, tends but to harden those who are subjected to its operation; a system which suppresses many evil habits, and substitutes those of industry, decency, sobriety, and order."

The Society undertook and carried through the useful labor of digesting, from the numerous statutes and regulations then in force, a complete code of rules founded on those principles which experience had shown to be most beneficial, comprising the several duties of the officers as well as those of the prisoners, with general observations by which they might be adapted to jails of various capacities.

The Society was in full sympathy with the aims and labors of Mrs. Fry's committee of ladies for Newgate prison, and with those of other similar ladies' committees for the Borough Compter prison of London, and for the jails of Liverpool, Bristol, Carlisle, and Glasgow. Some of the results at Newgate may be here fitly compressed into a few sentences. There was a time when nothing was considered safe at Newgate; but after the influence of the ladies' committee had made itself felt, pilfering was hardly ever heard of. A lady visitor dropped a five-pound note; a prisoner found it, took it to the matron, and asked her to restore it to the lady, which was done before she herself had missed it. Out of one hundred thousand articles manufactured by the women, not one was known to have been stolen. Of the whole number of women who had been under the discipline of the ladies, in several years only four returned convicted of fresh offences; and when they again appeared in the prison they manifested a strong sense of uneasiness and shame. These are great facts, and may stand in the place of all others; though pages might be filled with the recital of the wonderful changes wrought in the character, habits, and manners of these wretched outcasts by the power of Christian love and kindness.

Through the efforts of the prison-discipline society, in many of

the jails of the kingdom schools were formed and successfully carried on under the inspection of volunteer visitors, particularly ladies, with the sanction of the magistrates, chaplains, and governors. These labors were especially directed to the female inmates, and their beneficial effects were seen in the steady decrease in the number of that class of prisoners re-committed, which diminished, in the course of even a few years, to the astonishing degree of not less than forty per cent.

Great results were also accomplished by the Society in the introduction of industrial and productive labor into prisons, though I am sorry to be obliged to add that it also gave its sanction and support to "the treading mill" of Mr. Cubitt, as a great gain to prison discipline; and perhaps it was better than nothing when first introduced, for then it did not take the place of industrial labor, but of no labor,—of blank idleness. Among other instances of the good effects of employment in prisons, it cites in its reports that of the Glasgow jail, where, it says, "the profits have so nearly defrayed all the charges of the establishment, that the annual expense of each prisoner has not exceeded ten shillings." In illustration of the same point it cites the case of the house of correction at Preston, Lancashire, where in 1821 the earnings were £2,149, 13s. 5d., equal to \$10,742; while the cost of the prisoners' food was £1,988, 8s. 5½d., equal to \$9,940. This sum was actually earned in cash by cleaning and weaving cotton.

The Society further labored with great zeal and no little success for the promotion of religious instruction and influence in the prisons. It declares that "a chaplain's duty is not only to feel deeply concerned for the welfare of his charge, but to be able to convince them that his earnest and zealous efforts are devoted to their best interests. He will confer in private with his prisoners, not with the cold formality of the official instructor, but with the warm-hearted affection of a friend. He will be the investigator of their wants, the depository of their cares, and the renovator of their hopes." And it adds: "This is the grand secret by which the affections of the vicious may be gained."

This account of the useful labors of the Society might be greatly enlarged, but space is wanting for the record.



## CHAPTER XI.—DARK AGE OF PRISON LIFE IN THE UNITED STATES.

THE progress of prison reform in the United States had attracted attention in Europe, and commissioners were sent from several European countries to inspect the American prisons. England sent Mr. Crawford ; Prussia, Dr. Julius ; France, Messrs. de Beaumont and de Tocqueville, and afterwards Messrs. Demetz and Blouet. It will at this point, therefore, be necessary to recross the Atlantic and see what had been going on in America. It is but a glance, however, that we can give to this matter, as our proposed sketch begins already to take on dimensions somewhat menacing.

Prison life can hardly be said to have had its "dark ages" in the United States, but it had its "dark age" here as elsewhere. For more than fifty years (1773-1827) Connecticut had an underground prison in an old mining-pit on the hills near Simsbury, which equalled in horrors all that was ever related of European prisons. Here the prisoners were crowded together at night, their feet fastened to heavy bars of iron, and chains about their necks attached to beams above. These caves reeked with filth, causing incessant contagious fevers. The inmates were self-educators in crime. Their midnight revels are said to have resembled often the howlings of a pandemonium, banishing sleep and forbidding all repose. In Philadelphia, all ages and sexes were mingled,—the novice in crime, the hardened veteran, the debtor, the wretch streaming with blood from the whipping-post, the vagrant, the drunkard, and the convict. Intoxicating liquors were bought and sold at the bar kept by one of the prison officials ; acquitted prisoners were kept for jail fees ; the custom of garnish prevailed. No instruction, religious or otherwise, was known there. When the first sermon was preached, a man stood by with a loaded cannon and a fuse during the preaching. In the Boston jail, in one year, a thousand debtors were confined in the same crowded night-rooms with a thousand criminals. Men, women, boys, idiots, lunatics, drunkards, innocent and guilty, were mingled pell-mell together. No restraint was put upon gambling, lascivious conversation, or quarrelling.

The penalties were often barbarously severe. During the early history of New York negroes were burned alive, sometimes with green wood to prolong their agony ; at other times they were hanged in iron frames to die of starvation, their bodies being devoured by birds of prey. In almost every village in the country the stocks, pillory, and whipping-post were to be seen throughout the eighteenth century.

CHAPTER XII.—BEGINNING AND PROGRESS OF PRISON REFORM  
IN THE UNITED STATES.

BUT why multiply these sickening details? Let us look now at the other side of the picture, though it be but a glance we can give to it. The work of prison reform began a full century ago in the United States. Four great organizations have taken part in this work and hastened its progress: 1. The Philadelphia "Society for Alleviating the Miseries of Public Prisons," formed originally in 1776, suspended during the greater part of the Revolutionary War, and revived in 1787. This Society still exists, and is as active and useful as ever. 2. The Boston "Prison-Discipline Society," organized in 1824, and dissolved some twenty years subsequently, after having accomplished an amount of good that can never be weighed, sounded, or measured. 3. "The Prison Association of New York," which still lives, with all the springs and pulses of life as fresh and vigorous as ever. 4. "The National Prison Association of the United States of America," which dates only from 1870, but whose influence in these brief years has made itself felt to the ends of the earth.

But individuals as well as associations have had their share in the work of prison reform, and have done yeoman's service in this country as well as in others. If England has had her Howard, France her Lucas, Spain her Montesinos, Italy her Clement XI., Belgium her Vilain XIV., Holland her Suringar, Germany her Mittermaier, Scandinavia her Oscar I., and Austria her Maria Theresa, so the United States has had her Edward Livingston, who towers high above all his co-laborers, and may be named the giant of giants in this field of thought and inquiry,—as Ney, among the marshals of Napoleon, was called "the brave of the braves," — *le brave des braves*. And as the countries named had lesser as well as greater lights in prison reform, so has it been in the United States. Among those (omitting the living) who may be named as worthy of special honor in this cause are Elam Lynds, Gershom Powers, Roberts Vaux, Matthew Carey, Louis Dwight, Amos Pilsbury, Francis Wayland, Francis Lieber, Charles Sumner, Samuel G. Howe, John David Wolfe, John Stanton Gould, John W. Edmonds, Isaac T. Hopper, and Abraham Beal.

It would be impossible, within any permissible limits, to go into any lengthened detail on this subject. All that can be done will be to state the more important reforms which have been effected, and even this more after the fashion of a catalogue than a description. Cropping, branding, whipping, and torture in punishment of crime have been abolished, with an unfortunate exception in one small State. The lash as a disciplinary punish-

ment is very generally forbidden by law, except in the Southern States, as are also all cruel, unusual, or degrading inflictions; and if any such are used, it is by an abuse of power. Imprisonment for debt is everywhere done away. Several of the States have, without increasing crime, dispensed with capital punishment; and in all, I think, it is confined to the crimes of murder and high treason. Intoxicating liquors have been universally shut out. Penal labor, which in the English sense never had great currency among us, exists in none of our prisons to-day; but everywhere industrial, or at least productive, labor has been substituted. Commutation laws, by which prisoners by good conduct and industry may earn some abbreviation of sentence, are very extensively found on the statute books of the States and the effect is universally reported as excellent. In a few of our prisons the convicts are allowed some small share of their earnings; and the influence of this is admirable, indeed almost magical. There is no longer any mingling of sexes, except it may be in a few extremely rare cases in small county jails. Two State-prisons for women only, and managed by women only, in Indiana and Massachusetts, are now in full operation. The former, which is the older, has already wrought marvels of reformation, and the latter is full of promise. The tendency sets strongly in the same direction in other States. Schools more or less effective exist in many prisons, and are accomplishing a great deal of good; but there is here still a wide margin for improvement. Libraries very generally exist in the Northern and Western prisons, and are much prized and much used by the prisoners. They are found highly beneficial. The establishment of this class of moral and reformatory agencies in prisons was largely due to the wise liberality of the late William H. Seward, when he was Governor of New York. It has been seen that the first sermon preached in an American prison was under the protection of a loaded cannon, with a fuse in readiness to be touched off at any moment. Chaplaincies now exist in nearly all our prisons above the detention house, and Bibles are very generally found in every cell. Flourishing Sunday-schools are also now quite common; prisoners' prayer-meetings have been established and are well attended in several of our prisons. Judicious volunteer workers are quite generally admitted into the prisons to labor for the moral and spiritual improvement of their inmates. This is especially the case where Sunday-schools exist. In a number of our State-prisons an absolutely clean record, *ipso facto*, rehabilitates the criminal on his liberation, restoring him to all the rights and franchises of citizenship.



## CHAPTER XIII. — STRUGGLE BETWEEN THE PENNSYLVANIA AND AUBURN SYSTEMS.

A NOTICE of the progress of prison reform in the United States would be incomplete without some reference to a controversy which half a century ago was carried on among us with much warmth, and it must be confessed with an occasional touch of bitterness: I refer to the contest relating to the respective merits of the cellular and associated systems of imprisonment. The first suggestion of cellular separation did not come from Pennsylvania, nor was it even first applied there; but it was so warmly espoused by that commonwealth, and especially by its chief city Philadelphia, and had so early and earnest an application therein, that it has received the name of the Pennsylvania or Philadelphia system, and is even to-day known and recognized under that title throughout the whole world. Early in the present century were founded, on the system of cellular separation, the eastern and western penitentiaries of Pennsylvania, situated respectively in the cities of Philadelphia and Pittsburg; and at a somewhat later period the great city prison of Philadelphia, district of Moyamensing, and a dozen or so of the county jails were organized upon the same plan.

The State-prison of New Jersey was established, and for many years conducted, on the Philadelphia plan; but it has long since been replaced by the Auburn system. The change was made chiefly, not wholly, on financial considerations. As early as 1840 the board of inspectors expressed their doubts as to the reformatory power of the system, though at the same time they acknowledged a still greater distrust of that to which it is opposed. The same year Dr. Coleman, medical officer of the prison, attacked the system with much vigor as prejudicial to the health of both body and mind; and he renewed the attack from year to year, till in 1846 he assailed it as deficient in the reformatory power claimed for it. From time to time during the following years the financial aspect of the question was recalled, and the scanty returns from convict labor referred to as demanding the earnest consideration of the legislature. Under these successive blows, — these arguments drawn from the non-reformatory character of the system, its injurious effect on the physical and mental health of the prisoners, and its detriment to the material interests of the State, — it was gradually relaxed, until in 1859 it was by the action of the legislature formally abandoned, and the congregate or associated system, on the Auburn plan, thenceforth substituted in its place.

The State-prison of Rhode Island has had a similar history.

It was opened in 1838. Four years subsequently, on the recommendation of the inspectors, a change from the Pennsylvania to the Auburn system was begun, and was carried into full effect in the year next ensuing. In 1844 Dr. Cleaveland, the intelligent and able warden,—who was also an eminent physician,—in a paper addressed to the legislature, describes the cellular system as “a slow, corroding process, carrying its subjects to the derangement or destruction of both body and mind.” He says that of forty prisoners committed ten manifested decided symptoms of insanity. He further observes: “Without dwelling on the greater expensiveness of the plan, its effects on general health, bodily and mental, and its failure to deter from crime, I would remark that the advantage claimed for it of greater calmness of spirit and readier submission to the rules has not been realized. On the contrary, solitude has been found to produce restless irritability and peevishness,—impatient of the unnatural restraint imposed on the reluctant body and mind, and difficult to be dealt with; while, in the performance of social labor in silence, the men have been more easily subject to control, and have required less frequent exertions of authority than before. When shut up in the cells they exercised, under the cravings of the social instinct,—which walls and chains cannot repress,—every contrivance that ingenuity could suggest, by means of the window and of the pipes passing through the cells, to hold some communication with each other; and they were more successful than would have been thought possible. But on the other hand, when the strict seclusion of the cell was done away, and the senses of the prisoners were once more opened to a portion of their accustomed impressions, and the social nature had been partially relieved by permitting company without conversation, a marked change came over the prisoners; and they showed by their greater cheerfulness of spirit and alacrity in labor that they were sensible of their improved condition.”

Within the last ten years, after a hard struggle between the advocates and adversaries of the cellular system, it has been abolished in the western penitentiary at Pittsburg. From 1826—when the prison was opened—till 1869, all work was done in the cells. In this last-named year an Act was passed authorizing the inspectors of the western penitentiary to have their convicts, or any portion of them, congregated for purposes of labor, learning, and religious services. In conformity with this Act the labor has been gradually transferred into common workshops, with satisfactory financial, moral, and physical results. The whole western portion of the State is said to be convinced that the present system is worthy of confidence, and that credit is due to the inspectors for their successful efforts to effect the

change. The authorities claim that the change has been a benefit to the prison and its discipline in all respects.

Trial was made in the State-prison of Maine at Thomaston, and in that of New York at Auburn, of the system of absolute solitude without labor; but in both cases it was short-lived. It was found that such a system would either depopulate the prison by death, or turn it into a bedlam through insanity; and the experiment was in both cases speedily abandoned.

Everywhere, then, beyond the limits of eastern Pennsylvania, the system of imprisonment in the United States is that which is called, indifferently, the Auburn, congregate, associated, or silent system. This last designation, however, has become, in some prisons, quite inapplicable. Some do not even claim to conduct their discipline upon the strictly silent system; in others, where the claim is made, the rule of silence has but a partial enforcement, while in comparatively few is the rigidity of the old discipline of absolute non-intercourse maintained in full force.

The separate and silent systems have, notwithstanding their diversity, a common basis. Isolation and labor lie at the foundation of both. They are fundamental principles of both, according to the ideal on which they were formed. The difference is one of application, not of essence,—of mode, not of principle. In one, the isolation is effected by an absolute bodily separation by day as well as by night, and the labor is performed in the cell of each individual convict; in the other, the labor is done in common workshops, and the isolation at night is secured by confinement in separate cells, but during the day is of a moral species,—being effected by the enforcement, so far as such a thing is possible, of an absolute silence. The bodies of the prisoners are together, but their souls are apart; and thus, while there is a material society, there is a mental solitude. Such is the theory on which the respective systems are founded; but in neither do the facts ever fully correspond to the ideal.

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#### CHAPTER XIV.—FURTHER PROGRESS OF PRISON REFORM IN ENGLAND.

WE must now go back to the Old World. After the return of the English commissioner, Mr. Crawford, who had been appointed by Lord Melbourne to visit and examine American prisons,—the great merits of which he freely acknowledged, but whose defects he laid bare with bold and unsparing criticism,—the Duke of Richmond, in whose family prison reform had



become a sort of hereditary task, took the matter up, and procured the appointment of a parliamentary committee to inquire into the state of jails. The labors of this committee were of the highest importance. Their immediate result was the passage of an Act, containing little more than two provisions. The first, intended to secure greater uniformity in prison management, required magistrates to lay all proposed new regulations before the secretary of state for the home department, who was empowered to alter, add to, or reject them, and in this latter case to substitute others in their stead; the second gave the minister the still more important power of appointing five inspectors of prisons in Great Britain.

The gentleman selected for Scotland—where the prisons were in an execrable state—was Mr. Frederic Hill. A more fortunate choice could hardly have been made. In ten years, under his energetic administration, a clean sweep was made of all the old prison abominations of Scotland, and a new and improved system organized and put into good working order. He it was who first suggested the idea of indeterminate sentences; though the name of his brother Matthew Davenport Hill, late recorder of Birmingham, by reason of the vigorous and persistent support of that principle by his pen, became more intimately associated with it in the public mind.

For inspection, England was divided into three districts,—the northern, south-western, and home. For the home district two inspectors were appointed,—Messrs. Crawford and Russell, the latter of whom had been chaplain of the Millbank penitentiary. Their first three annual reports were able and exhaustive documents. With merciless severity they laid bare in their first report all the abominations of the prisons within their jurisdiction, especially Newgate; not sparing even Mrs. Fry's committee, though at the same time heartily praising the ladies who composed it, for their self-denial and assiduity. In their second they drew an elaborate comparison between the silent, congregate, and separate cellular system of prison discipline. But it was their third report that secured the triumph of their favorite theory,—imprisonment on the principle of separation. They had strongly urged the building of a model prison, and in 1838 Lord John Russell, the home secretary, asked parliament for the requisite grant and authority. Both were readily yielded; and the Pentonville prison, constructed under the direction of Captain (afterwards Major General Sir Joshua) Jebb, who had been associated with the inspectors as surveyor-general of prisons, was the outcome. This was opened for the reception of convicts in 1842. In October of the following year a wing or corridor of separate cells was added to the prison at Preston, in Lancashire county, and a large new prison, built on the model of Pentonville, was opened at

Reading in 1844. It was in these three prisons, mainly, that the problem how to combine reformation with punishment, so far as England was concerned, was worked out. The mode of treatment adopted in them was essentially different; and the history of prison reform in England for the next few years is bound up with the history of these three institutions. All had chaplains every way suited to their positions, — able, zealous, and enthusiastically devoted to the work: Mr. Kingsmill at Pentonville, Mr. Clay at Preston, and Mr. Field at Reading. Perhaps the prison at Gloucester ought to be added to this trio, for there also problems of the highest order and interest were worked out, — first under the guidance of Sir George O. Paul, and afterwards under that of Mr. Barwick Baker; neither of them prison officials, but both magistrates of extraordinary ability, zeal, discretion, and diligence. It would be extremely interesting to trace these four experiments in detail; but that is quite impossible in a mere sketch such as that now in hand.

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#### CHAPTER XV. — REFORMATION OF THE CRIMINAL, OR PROTECTION OF SOCIETY?

THE question was warmly debated about this time whether reformation of the criminal or the protection of society is the primary end of imprisonment. Archbishop Whately entered the lists as champion of the latter view. "We cannot admit," he said, "that the reformation of the convict is an essential part of the punishment; it may be joined to it incidentally, but cannot belong essentially and necessarily to a penal system." Abstractly, this may be true; but prison discipline is a very concrete thing. The real question is, What class of agencies — the reformatory or the deterrent — will be found most effective in preventing crime, and so in protecting society? Mr. Clay, of the Preston jail, maintained with earnestness that reformation is a more essential element than even punishment, in any system directed to these ends. He looked upon the mass of prisoners as (to use his own phrase) "incidental offenders," men who broke the law on sudden impulse, and generally as the effect of drink. These incipient criminals he considered the very men whom it was most possible to reform through a firm but kindly discipline, and especially through the regenerative and purifying influences of religion. The real problem (he contended) was to devise some method of treatment which would combine deterrence and moral amendment, punishment and reformation; always, however, in view of the protection of society through the prevention of crime. This is the view now generally held by the soundest students of penitentiary science.

## CHAPTER XVI. — THE QUESTION OF TRANSPORTATION IN ENGLAND.

ANY notice of the penitentiary question in England would be incomplete without at least a brief mention of transportation as one of the forms of public punishment. The first transport fleet, laden with convicts, sailed for Australia, as we have seen, in 1787. The scheme when first adopted had met with general favor. Howard and his friends were at that time the only strenuous opponents. However, twenty years after his death Bentham and Romilly renewed the cry against transportation; and from that time it became the object of increasingly vehement attack. Still it continued to thrive and flourish till Archbishop Whately, with clear and incisive logic, convinced all who were not officially or from prejudice incapable of conviction of the enormous evils of the system,—"a system," so he expresses himself, "begun in defiance of all reason, and continued in defiance of all experience." In 1837 Sir William Molesworth, in concert with Dr. Whately, obtained a parliamentary committee on transportation. The revelations elicited were appalling. The committee recommended the instant abolition of the system of transportation and the substitution of that of confinement in penitentiaries. But this proposition, notwithstanding all that its friends could do, was defeated by a rider engrafted on the bill providing that the penitentiaries should be erected, not in England, but in Australia. Twenty years more of war were required to complete the abolition of the system.

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## CHAPTER XVII. — PRISON REFORM IN SPAIN BY MONTESINOS.

LET us now cross the channel again, and glance rapidly at the progress of prison reform on the Continent. The movement in Italy under Pope Clement XI. in 1704, and that in Belgium (Austrian Netherlands) in 1771-75 under Viscount Vilain XIV., both of which won such high eulogiums from Howard, have been already noticed. Other movements in the same direction no less interesting, no less instructive, no less inspiring, have taken place in other continental countries within the present century.

Among the most remarkable of the early experiments in prison discipline was that of Colonel Montesinos in the prison of Valencia, Spain, containing a population of from one thousand to fifteen hundred prisoners. This covered a period of fifteen



years; namely, from 1835 to 1850. Previously the recommitments had run up to forty, fifty, sixty, and even seventy per cent. For the first two years no impression was made upon these figures; but after that they fell rapidly, coming down in the end to nearly or quite zero. To what was this extraordinary decrease owing? Mainly to the use of moral forces instead of physical in the government of the prison. Colonel Montesinos introduced a great variety of trades,—above forty in all,—and allowed the prisoner to choose the one he would learn. He waged an unceasing warfare against idleness, and sought by every possible means at once to inspire the prisoners with a love of labor and to form in them industrious habits. The author of “Notes of an Attaché in Spain in 1850,” a member of the British Embassy, thus states his impressions of this prison: “The penitentiary gave us more satisfaction than any other institution we visited. Here we beheld one thousand prisoners under the most admirable system of discipline, engaged in every branch of human industry. I could scarcely realize that I was in a prison, so like an immense and enterprising factory was the general aspect of the interior, and so happy and contented seemed the busy operatives in their various employments.” Mr. Hoskins, an intelligent and respectable English traveller, after giving an extended account of the prison, adds this statement in conclusion: “The success attending the reformation of the prisoners in this establishment seems really a miracle.” But it was no miracle; it was but the fruit of a natural system of penitentiary training. Colonel Montesinos did not attempt to repeal the laws of Nature. He seized those great principles which the Creator has impressed upon the human soul, and moulded them to his purpose. He aimed to develop manhood, not to crush it; to gain the will, not simply to coerce the body. He employed the law of love, and found it the most powerful of all laws. He acted upon his men by urging them, not alone by exhortations, but by a system of organized persuasion, to self-discipline, self-help, and self-reformation. He excited them to diligence by allowing them a by no means inconsiderable portion of their earnings. He enabled them to raise their position, step by step, by their own industry and good conduct. These were the agencies employed to effect those astonishing results recorded by Mr. Hoskins and the *Attaché*, as cited above.

## CHAPTER XVIII. — PRISON REFORM BY OBERMAIER IN GERMANY AND DESPINE IN SAVOY.

AN experiment of like character was about the same time carried forward by Councilor Von Obermaier in the State-prison of Bavaria, at Munich. The results were no less signal here than at Valencia, and effected by agencies altogether analogous. I will not therefore stay to repeat them, but will content myself with the statement that their reality is attested from personal observation by Sir John Milbanke, British envoy to the court of Bavaria, and by George Combe, of Scotland, both of whom speak of this prison, under Von Obermaier's administration, as an illustration of the power of the moral sentiments to govern and reform the worst of criminals without the lash or any severe disciplinary punishments.

At a somewhat though not much later date another advance was made in Italy, at Albertville, Savoy, under the administration of the prison by Mr. F. Despine. This experiment was of much shorter duration, but no less successful. Mr. Despine's administration was full of mingled firmness and gentleness. He governed his prisoners by awakening in them virtuous sentiments. In this manner he so held them to duty by the bond of gratitude and love, that he was rarely compromised by an escape, or even an attempt to escape. At length however, compelled by the supreme administration to carry out in their rigor mere routine regulations, — and that, too, despite the exceptional morality and the habit of willing, cheerful work to which he had formed the prisoners, — this model director chose rather to resign his position than to hold it at the cost of yielding his personal convictions, and of putting in practice a discipline which he felt to be detestable and knew to be injurious.

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CHAPTER XIX. — MACONOCHIE'S WORK AT NORFOLK ISLAND, AND CROFTON'S IN IRELAND.

THE bolder, more scientific systems of Alexander Maconochie at Norfolk Island, and of Sir Walter Crofton in Ireland, are too complex in their arrangements to allow a detailed explanation in this review, and too well known, perhaps, to require it. The two systems are substantially one, the underlying principle of both — progressive classification — being the same, though the

details of its application are marked by more or less diversity. Sir Walter's is undoubtedly the more exact, simple, and easy of execution; while Maconochie's, according to my conception, is to be preferred in this, that its sentences are in good marks to be earned, and not in fixed durations of time. The explanation of this may be, and probably is, that the former was obliged to adapt his system to actually existing law, while the latter, so far as this feature was concerned, wrote purely as a philosopher, laying down principles to guide the legislator. The true definition of this system, as I think, is that of an adult reformatory, in which the will of the prison inmate is brought into accord with the will of the prison keeper, and held there for so long a time that virtue becomes a habit. It is a system whose supreme aim — of course neither ignoring nor making light of the punitive element — is so to teach and train the prisoner during his incarceration, that on his liberation he will be able to resist temptation and inclined to lead an upright, worthy life. Such reformation is effected — at least the aim is to effect it, so far as such a result may be attainable — by placing the prisoner's fate measurably in his own hands, and thereby enabling him, through industry and obedience, to raise himself step by step to positions of increased freedom, privilege, and comfort, while on the other hand idleness and bad conduct keep him in a state of coercion and restraint.

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#### CHAPTER XX. — COUNT SOLLOHUB'S EXPERIMENT IN RUSSIA.

ONE more of these special instances of remarkable progress may be cited. It is of a considerably later date, having occurred within the last twenty years, and in a country from which it would hardly have been expected, — the great empire of northern Europe, Russia. Count Sollohub, a man of vigorous intellect and broad sympathies, within the period named inaugurated a prison system at Moscow, which has yielded fruits that are very striking. In his house of correction and industry in that city he has shown what may be done by a humane and Christian treatment, in the way of reforming criminals. The distinguished count devised a new scheme of penitentiary labor, which I can state only in a very general way. Not only was every prisoner not in possession of a trade at the time of his committal required to learn one, but he was permitted, within certain limits, to use his own choice in the selection of it. So long as the convict remained an apprentice he got no part of the product of his labor; but as soon as he was adjudged to be a master-workman



(and the tests applied as the ground of such judgment were severe) he received a proportion equal to two-thirds of his entire earnings, the greater part of which was reserved for him as a little capital to again begin life with after his liberation. So effectual was the power of hope thus applied, that instances were not rare in which the convict apprentices learned their trades, and were pronounced master-workmen, in two months. The first general result of this system was that nine-tenths of the prisoners mastered a trade so completely, that, on their discharge, they were capable of taking the position of foremen in a workshop; and the second was that there were scarcely any relapses. On the contrary, criminals who had been subjected to its discipline, and had been discharged, were almost to a man earning an honest living at the trades which they had learned while in prison. Of two thousand one hundred and twenty-eight prisoners released from the establishment within the first six years after it was opened, only nine — less than half of one per cent — had been returned to it.

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## CHAPTER XXI. — PRISON REFORM IN SWEDEN UNDER ROYAL LEADERSHIP.

**R**ETRACING our steps now for a half century, we introduce upon the scene a royal prison-reformer in the person of Oscar I., King of Sweden and Norway. While still Crown Prince he had made a profound study of convict treatment, and had published a book on "Punishments and Prisons." His opinions, which were far in advance of his times, were in brief these: That criminal legislation and prison discipline play an important part in the moral existence of States; that the penitentiary question belongs not simply to the domain of philanthropy, but as well to those of religion, statesmanship, and jurisprudence; that the progress of science and the development of industry have begotten a greater respect than heretofore for man, a stronger interest in his education, and an increased regard for the well-being of the poorer classes; that this noble solicitude has gone down even to the vicious and the criminal; that we no longer see in prisoners beings proscribed by society, and for ever to be treated as outcasts, but rather brothers who have gone astray, and for whose moral regeneration it is our duty to labor, to hope, and to watch; that it is the duty of the State not only to punish crimes, but also to inquire into their causes, to the end that the effect may be prevented by the destruction of the occasion; that the public security must be assured by a good education of the people,



intellectual and moral; that poverty, the never-ceasing source of crime, must be combated by the resources of industry, and the means of employment brought within reach of those to whom they are wanting; that the penitentiary question is no longer confined to punishment, but embraces reformation and rehabilitation; that such pious efforts to apply the precepts of Christianity to the administration of prisons will form the fairest page in the history of our age; that what has been made the reproach of the new penitentiary system — namely, that it busies itself with the criminal to the neglect of the innocent poor — is in truth its honor, since it gives to the laws a greater reformatory force, and renders punishment more efficacious; that hence we must guard against confounding it with that false philosophy which sometimes appears to assume the task of apologizing for crime, and even of protecting it; that it is the duty of an enlightened and well-organized State to bring its penal laws into harmony with the claims of humanity and reason, to apply them with justice and impartiality, and to execute them with rigor, but at the same time in a spirit of benevolence and mercy; that criminal legislation and prison discipline are closely connected the one with the other, that they mutually respond to and support each other, that the one should be considered as the complement of the other, and that the reform of the penal code will be well-nigh a useless labor so long as it does not extend to the penal institutions; that this important reform ought to be made in a systematic and comprehensive manner, embracing all branches of the legislation properly belonging to it; that these branches may be divided into two principal classes: (1) Those which aim to prevent crimes by removing their causes and occasions, which category comprehends all laws that are intended to develop the religious sentiment of the people, to enlarge their moral and intellectual culture, to form and strengthen in them the love of labor, and to promote the general well-being of the State; (2) Those which have for their object the punishment of the crime and the reformation of the criminal, to which latter category belong the penal code and the penitentiary system.

Four years after the publication of his book Prince Oscar ascended the throne. He at once obeyed the apostolic injunction to "prove his faith by his works." This he did, first, by improving the prisons and prison administration of his country, and, secondly, by establishing a system of agencies intended to diminish crime by destroying its causes. To this end a new penal code was adopted; compulsory education was decreed; a law was enacted requiring each parish to provide all needed school accommodation; funds were voted to aid in the support of the school-masters; normal schools were founded; scholarships were created for those who sought instruction in them; schools of

art and trades were established ; annual subsidies were voted to enable young artisans of rare promise to visit foreign countries, and perfect themselves in their several professions ; each parish was required to support its own poor, and particularly to furnish food, clothing, and all necessary care to the young children, to the aged, the sick, and the insane, who were without resources of their own ; all able-bodied men were compelled to work for their own and their families' support, and if their labor was not sufficient, it was left to the commune to fix the amount of assistance to be given ; to insure an effective application of this law, the parishes purchased lands to furnish occupation and maintenance to their poor ; absolute freedom was accorded to all the different industries ; agriculture and some others were stimulated by special encouragements ; railways were constructed, steamboats were built, manufactures were multiplied ; and in this manner an industrial activity was set on foot and a general prosperity insured, whose result was a marked diminution of crime.

Such was the theory, such the practice, of this enlightened and able monarch. If we go down to the essence and heart of things, what better have we to offer to-day ? Happy the country which in the dawn of penitentiary science had such a ruler ! Happy the country which has for its present sovereign a son worthy of such a sire, and who, both by inheritance and conviction, marches firmly and steadily in the footsteps of his illustrious father ! By the use of the agencies above described, accompanied by the gradual introduction of improved prisons and an improved discipline, the diminution of crime in Sweden since 1840 has been most extraordinary.

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## CHAPTER XXII.—PRISON REFORM IN FRANCE.—ROYAL PRISON SOCIETY OF 1819.

IT would be an injustice and a wrong to France quite unpar- donable to omit her name from an historical review of the kind now in hand,—a sort of repetition of the “*Play of Hamlet with the Prince of Denmark left out.*” France, though not the first to move in this work, entered early upon the path of prison reform, and has pursued it with unceasing zeal to the present time,—her activity being more intense to-day than at any previous date. As far back as 1819 she founded a Royal Prison Society, in which the king took an active interest. It was an organization that won immense renown,—first, that which it borrowed from the great names and the great tal-

ents of its members; then, that which sprang from their sincere and earnest devotion to the work of prison reform. But its chief labor was to pull down rather than to build up, to search out and to root out abuses, to destroy the darnel and other noxious grasses before casting the good seed into the soil. But insuperable obstacles forbade at that time the attainment of positive results. The Society offered a prize for the best work on the improvement of prisons and prison administration, which was awarded to one Danjon, a lawyer. His book (which I have never seen) is said not to have been without merit; but it was a reproduction of all the penal theories of that age, — a real labyrinth, like that of Crete, in which when one entered he was lost beyond recovery. Not a single principle to-day accredited among criminalists who unite to the study of penal law that of penitentiary reform was found in his treatise.

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CHAPTER XXIII. — PRISON REFORM IN FRANCE (*continued*). —  
M. CHARLES LUCAS, HIS WRITINGS AND LABORS.

**B**UT at that time there was just coming on to the stage of action a young giant, — a man who for nearly two generations has been the Hercules of prison reform, and who is now the *doyen*, the veteran of the veterans, in the great army devoted to these studies and this work. I refer to M. Charles Lucas, a member of the Institute of France, — a literary distinction of all others most coveted by men of genius and learning; yet he reflects far more honor upon the Institute than it does upon him. It is not as a member of the French Academy that he will be remembered by posterity, but as the file-leader in his day of a moral reform among the greatest, most beneficent, and most useful of all time.

M. Lucas published his "Penitentiary System of Europe and America" in 1828, and his "Theory of Imprisonment" in 1836; each in three volumes, and both monumental. They were marked by all the qualities of his intellect and heart, — broad research, profound learning, keen analysis, lofty sentiment, and, to crown all, good sense and practical judgment. They have entered deeply into the thought and action of mankind, and their influence has been for good, and good alone.

Prison reform, says M. Lucas,<sup>1</sup> before it is entitled to enter the domain of science, must have both a frame (*cadre*) and a

<sup>1</sup> Not in the books before mentioned, but in his Address as Chairman at the recent organization of the General Prison Society of France.



programme. Its frame is simple. It has to do first with young prisoners,—that is to say, the first question is that of age. Afterwards comes imprisonment before judgment,—the question of preliminary detention (*question du régime préventif*). As to imprisonment after judgment, it has two degrees: condemnation to a short term and condemnation to a long term.

Prison reform has also a programme, consisting of five principles. Of these, the first three are: safe-keeping, repression, and correction,—the first to detain, the second to intimidate, the third to reform. The first kind of imprisonment admits but one principle, detention: it excludes deterrence and reformation. From the detention prison an acquittal may to-morrow restore the prisoner to society; therefore his imprisonment must be in cellular separation, so that he may not carry with him under the domestic roof the pollution which comes from contact with malefactors. The second—condemnation to a short term—has two principles, detention and repression, without wholly excluding but not strongly embodying the third. The last—condemnation to a long term—unites all three of the principles,—detention, repression, and reformation. Of the five principles which make up the programme of prison reform three have been stated and explained; there remain two others. The first (that is, the fourth in the complete enumeration) is the principle of duration, suggested by the division of imprisonment after judgment into repressive imprisonment and imprisonment at once repressive and penitentiary,—that is, reformatory. The maximum of repressive imprisonment should, as a general rule, not exceed one year, but may be much less; for the principle of intimidation does not of necessity require the aid of time: an intimidating punishment may be inflicted in a month, in a day even. But, on the other hand, the minimum of penitentiary or reformatory punishment should not be less than two years; because time is an essential element in reformation, whose agencies are moral and do not act instantaneously. The fifth and fundamental principle of penitentiary reform is that which imposes a rational and normal limit to the population of penitentiary establishments; for this reform has no greater enemy than the excessive agglomeration of prisoners: it is the gravest obstacle which it has to encounter. Indeed, wherever it is a question of education, even in the university, we shall fail of the best results if we proceed on the principle of agglomeration.

The theory of imprisonment according to M. Lucas has for its aim the prevention of three things,—escape, mutual corruption, and relapse. In all the three degrees of imprisonment—preliminary, repressive, and reformatory—society is interested in preventing escape and corruption; but as regards the last two it has an additional interest and duty,—to prevent relapse.



Imprisonment before judgment has to do only with persons awaiting trial, and here safe-keeping and non-contamination are the main things. Imprisonment after judgment aims either at repression or reformation. In this last or penitentiary degree the habit of vice and crime is to be extirpated, and the habit of virtue created. Time and the human will are essential elements, or forces, in effecting this change; for it can be accomplished only through the repetition of voluntary acts, a necessary condition of which is duration. Two years are the minimum of time needed here. But there is a condition of criminality which does not require reformation, because there is no inveterate perversity to be destroyed; consequently another principle than habit must be brought into play. This principle is intimidation, which, so far from requiring long imprisonment, repels it. Its brevity is a condition of its efficiency, for a repressive imprisonment by being continued too long would defeat its own end; instead of intimidating the convict it would end by exasperating him, and so would compromise in his mind the true principles and in his heart the genuine sentiments of social justice. These two classes of condemnation make necessary two different systems of imprisonment, one of which replaces the action of time, the other utilizes it. The first is repressive, and acts through intimidation; the second is penitentiary, and consists in changing bad habits into good ones, — a result which a longer imprisonment makes possible, and a greater perversity makes necessary. Therefore, the true theory of imprisonment is very far from consisting exclusively in a penitentiary system, as has been too generally believed both in Europe and the United States. Nowhere, until the appearance of M. Lucas's "*Theory of Imprisonment*," had the penitentiary system been apprehended and characterized, — first, as a distinct and special degree of the theory of imprisonment, and then as but a single element in a totality of agencies, acting effectively only in combination with the other two degrees of the same theory.

M. Lucas has not published any great work since 1836, but from his chair in the Academy of Moral and Political Sciences in the Institute, which has been made by him virtually the Tribune for the cause of penitentiary reform, he has issued addresses and papers sufficient in number to form several octavo volumes. Nor has he been alone in this work, but has had in it many illustrious compeers, among whom may be named MM. de Tocqueville, Demetz, Béranger (father and son), Faustin-Hélie, de Lamarque, de Marsangy, and d'Haussonville.

CHAPTER XXIV.—PRISON REFORM IN FRANCE (*concluded*).—  
MORE RECENT MOVEMENTS.

OF late there has been a remarkable revival of both the spirit and the work of prison reform in France. In the winter of 1871-72, after the first movement had been made in favor of the international prison congress of London, on the initiative of the Viscount d'Haussonville a parliamentary commission was created of nineteen members, with an equal number of adjuncts called in from outside because of their special knowledge of the question.

This great penitentiary inquest—for such it was, in effect—held its first session in April, 1872, and its last in July, 1875; and during the intervening three years, whenever the National Assembly was in session, the commission met three times a week, and ordinarily continued in session not less than three hours, often more. The commission summoned before it for examination, not only all the most eminent specialists on this subject in France, but also gentlemen from different countries in Europe and even from America, to spread before it the varied results of their observation, study, and thought on all the manifold phases of the penitentiary question. It interrogated all the higher courts of France, from which it obtained opinions of the greatest value. Not content with this extraordinary breadth of inquiry, the commissioners parcelled out among themselves the various European States for examination of their prisons and prison systems, and, having severally fulfilled the missions with which they had thus been charged, they reported to their colleagues the result of their respective observations, which were recorded in the archives of the body.

To different members of the commission were assigned the several general topics embraced in the inquiry for the preparation of special reports thereupon. This duty was performed by the gentlemen charged with it in an extremely able, lucid, and satisfactory manner. The labors of the commission, in the form of minutes of evidence and special reports, are embodied in nearly a dozen quarto volumes. No such extended inquiry, national or international, touching the penitentiary question, has ever to my knowledge been elsewhere set on foot and carried to a successful issue; and no other collection of materials relating to that question in the shape of information and discussion, so precious as this, has ever before been presented to the public in one body. The gratitude of the world is due to France for this great service to the cause of penitentiary science, rendered under circumstances of extreme national affliction and difficulty, and while the country was still bleeding profusely from the wounds of war.

The practical issue of these labors has been : 1. A project of law relating to prisoners under preliminary detention and criminals sentenced to an imprisonment not exceeding a year and a day, which was enacted into a statute by the National Assembly June 5, 1875. This Act subjects these two classes of prisoners to cellular imprisonment by statutory obligation, while it leaves the option of such imprisonment to those sentenced for longer terms. An imprisonment of more than three months under this Act is reduced one-fourth by a provision of the Act itself, three-fourths of the sentence served out in isolation being the legal equivalent of the full term in association ; but no notice is to be taken of this distinction when the sentence does not exceed three months. 2. A similar project of law relating to the detention of juvenile delinquents, which modifies and improves in important particulars existing legislation on that question. This project still awaits the action of the parliament to receive the form and force of law, which action will no doubt be had sooner or later. 3. The creation of a national commission, under the name of Superior Council of Prisons. This council forms a permanent institution of state charged with the perpetual study of the penitentiary question, and with the initiation, as occasion may require, of reforms in the penitentiary régime.

Other tokens of a freshened interest and activity in France are the formation of a National Patronage Society in aid of liberated prisoners, with its seat at Paris, and with branches in more than half the departments of the republic, — all full of vitality and work. The creation in so short a space of so many and such active organizations of this sort seems more like a work of magic than of human enterprise. Then there is the National Prison Association (*société générale des prisons*), created just two years ago, but already known and felt as a power for good to the ends of the earth. It collects information from all countries, by means of circular letters addressed to the specialists of those countries, on all points embraced in the penitentiary question. It holds monthly meetings, at which papers are read either prepared by members at home or communicated by correspondents abroad, which are ably and exhaustively discussed. It publishes a monthly journal, in which these papers and discussions appear together with other articles, and especially the freshest intelligence from all parts of the world on the penitentiary question. This society is free from all political and sectarian bias. Catholic and Protestant, imperialist, monarchist, and republican here sit side by side at the same council board. An illustration of the total obliteration of party lines is seen in the fact that the two late prime ministers, the Duke de Broglie and M. Dufaure, however widely they may differ on the floor of the senate, work harmoniously together in *la Société Générale des Prisons*, for the good of humanity and the progress of French civilization.



## CHAPTER XXV.—RECENT PROGRESS IN BELGIUM.

BELGIUM, as we have seen, in the labors of Viscount Vilain XIV. in connection with the prison of Ghent, was one of the "morning stars" of prison reform; nor has she lost her prestige and pre-eminence since his day. This has been well sustained by the long-continued and useful labors of her illustrious Ducpetiaux and those of his no less able and honored successor in the inspectorship-general, M. Stevens. She has the most complete and homogeneous penitentiary system of any country in the world. It is cellular throughout, except as regards a part of the prison of Ghent for life-sentenced convicts. The system exists in that country under the best possible conditions, and has the best possible chance to work out whatever results it is capable of accomplishing. The penitentiary at Louvain, planned by the genius and constructed under the supervision of M. Stevens, who was for ten years its director, is the model of the model prisons of the world, so far as they have come under my observation or knowledge. I had never conceived of any thing in the form of a penitentiary establishment so admirable in organization, so perfect in administration. Nothing seems to have been forgotten in its construction, nothing overlooked in its rules, nothing omitted in its arrangements; and the results obtained are reported as highly satisfactory.

It is fortunate for the cellular system of imprisonment that it has the opportunity of being worked out to its normal results on so broad a scale, in so thorough a manner, and under such favorable auspices in all respects. Its adherents and friends could desire for it nothing more or better.

## CHAPTER XXVI.—INTERNATIONAL PRISON CONGRESSES.

WE pass now to another and broader department of this historical review; namely, from the action of individual States and communities to the combined action of the family of States and communities,—in other words, to the international prison congresses. International congresses, whatever the subject of their study, show the comparative condition of nations as regards intellectual and social development, in the same manner as international industrial exhibitions show the comparative results of their material and economic development. Hence the necessity



for their existence. Hence their great and acknowledged utility. Hence their wide and growing popularity,—very nearly one hundred of them having been held last year.

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## CHAPTER XXVII.—CONGRESS OF FRANKFORT, 1845.

THE first International Congress for the study of prison reform, held at Frankfort-on-the-Main, in 1845, was due to the initiative of two eminent men,—Messrs. Ducpetiaux and Russell; the former being inspector-general of prisons in Belgium, and the latter holding a similar position in England. The penitentiary question had been earnestly studied for more than half a century, and the efficiency of the different penitentiary systems had been warmly debated. In 1835 the Swiss Society of Public Utility had joined the prison question to that of pauperism, and thereby occasioned an important and animated discussion on prison reform. The same year the illustrious Béranger (*de la Drôme*), in a paper read to the French Academy, gave valuable hints touching the best method for a penitentiary system. At the two Italian conferences, held at Florence and Lucca, in 1842-43, the question was considered and debated mainly from a sanitary point of view. About the same time, in the Academy of Moral and Political Sciences of the Institute of France, three men of genius and of heart,—MM. de Tocqueville, Charles Lucas, and de Chateauneuf, besides M. Béranger,—were discussing the subject with great learning and in an earnest spirit, and the French Government itself had its attention strongly bent in the same direction. Decided progress, of a certain kind, had been made. Chains had been broken, corporal punishment had been checked, the prisoner received a better treatment, and humanity had largely—not wholly—superseded the intense severity of punishment so widely prevalent before. Still the current of criminality rushed ever onward, rather increasing than diminishing.

Such being the state of things, the two gentlemen named above said: “Why is the progress of prison reform so slow? Why such diversity of systems? Certainly, greater unity of views is desirable, and, if arrived at, might secure a better success.” It was reflections like these that led to the International Congress of Frankfort, in 1845. The conclusions reached by that body, after three days’ debate, were: “That the system of separate confinement ought to be applied to prisoners sentenced to short terms; that such aggravation of punishment ought to

diminish the term of imprisonment; that the penal codes should be revised, and as far as possible made to harmonize; that prison inspectors and commissioners of surveillance should have their duties extended to a wider application; and that patronage or aid societies ought to be so organized and conducted as to become an effective instrumentality in the reformation of criminals."

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#### CHAPTER XXVIII.—CONGRESS OF BRUSSELS, 1846.

A SECOND congress, composed of more than two hundred members, was held the next year (1846) at Brussels, when the following resolutions were adopted: "That it is essential that houses of correctional education for young delinquents, on the system of temporary individual confinement, should be established, having the privilege of placing the said young culprits in agricultural colonies, or authority to bind them as apprentices to honest farmers and mechanics through aid societies; that the interior service of the prisons should be intrusted to agents, well prepared for their duties by special training therefor; and that religious or philanthropic patronage societies should also give their help to reform the prison system."

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#### CHAPTER XXIX.—CONGRESS OF FRANKFORT, 1857.

THE third International Prison Congress convened at Brussels in 1856, but without coming to any results, adjourned to meet in Frankfort the next year. There gathered in that superb city, at the time named, a large body of delegates from many different countries. Its transactions were printed in two volumes, containing numerous propositions and discussions of high interest and value from their ability, breadth, elevation, and practical as well as philanthropic bearings. The application of continuous separation, even to prisoners having long terms to serve; reduction of one-third of the imprisonment on account of serving the term in separate confinement; application of solitary detention even to juvenile delinquents, but only to prepare them for the ordinary régime in houses of correctional education; the institution of agricultural colonies for old and invalid culprits and for those to whom cellular imprisonment cannot be applied

without inconvenience ; abolishment of corporal punishment and public labor ; amendment of the law of surveillance so as not to hinder the action of patronage societies ; the special education and training of prison officers ; the establishment of intermediate institutions between strict imprisonment and full liberty, both for habitual criminals and for those who after their discharge have no employment and consequently no means of honest support ; the publication at stated intervals of prison reports on a uniform basis, so that an intelligent and reliable comparison may be made of the work done and the results attained in different countries, — such were the conclusions reached, after extended discussion, by this congress.

This was the last of that series of international prison congresses. No further effort appears ever to have been made for another gathering of the sort by those who had been active in the movement. A depressing influence would seem to have fallen upon the men and the work, probably from an observation made in this congress by the German professor Mittermaier, the high-priest of legal and juridical science in his day, — who said that while he ardently desired to come to an understanding he had little hope of such a result being speedily reached, but thought, from the wide differences of opinion which existed, that they were far distant from the object at which they aimed.

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#### CHAPTER XXX. — CONGRESS OF LONDON, 1872.

AS the present work was originally prepared for the press, it contained only the following brief notice of the two congresses of London and Stockholm : “ The next general impulse to the cause of prison reform came, as a prior one had more than a half century before, from the United States. Ten years ago steps were successfully taken to form a National Prison Association in America, under whose auspices five national prison congresses have been held in the United States, — namely, in Cincinnati, Baltimore, St. Louis, New York, and Newport ; and two international ones in Europe, those of London in 1872 and of Stockholm in 1878. But these several reunions are too recent, and their labors and results too well and widely known, to need to be chronicled here.”

An instinctive aversion was felt by the author to any extended treatment of a movement in which he had personally borne so prominent a part. But friends on both sides of the Atlantic, for whose judgment he feels great respect, becoming partially aware through a printed syllabus of the work of the restricted reference



therein contained to the said movement, have made earnest remonstrance against such restriction, on the ground that it would be a dereliction of what is due in such a work to the truth of history. He has surrendered partly to friendship and partly to argument, and the result is seen below in a larger exposition of the origin, progress, and fruit of the movement in question. And since it is unavoidable in such an historical summary that the author speak not a little of himself, he will do it in the first person instead of the third, to avoid at once pedantic stiffness and clumsy circumlocution.

Count Sollohub, the originator, organizer, and successful conductor of a remarkable experiment in prison discipline at Moscow, in replying in 1868 to a request for information on the state of the prison question in Russia, closed a very able report on that subject with the suggestion that an international congress be convoked for a broader study of the question. The thought struck me as both timely and practicable. I was at that time, and had been for a number of years, secretary of the Prison Association of New York, which was then largely national and to a certain extent international, in the sense that it published and circulated information gathered at home and abroad in relation to penitentiary matters, so that its reports were sought from all parts of the world by governments as well as by individuals. Accordingly, at the stated monthly meeting in May, 1869, of the executive committee of the Association, which constitutes in fact its board of managers, I submitted a proposition to the effect that the Association should undertake the convocation and organization of a congress of nations, as suggested by Count Sollohub, for the study and promotion of penitentiary reform. This proposition was held under advisement for six months, and finally negatived. But the project had received so much sympathy and encouragement from distinguished friends of the cause on both sides of the Atlantic, that I was unwilling to let it drop without a further effort. Consequently a call was drawn up and issued for the convocation of a national prison reform convention, to meet in October, 1870, at Cincinnati, Ohio; which call was signed by over one hundred persons, including a large proportion of the governors of States and the heads of nearly all the principal prisons and reformatories in the country. The result was a congress at the date and place named, composed of some hundreds of members drawn from nearly all the States of the Union.

The president of the congress was Rutherford B. Hayes, then Governor of Ohio, now President of the United States. And let it be stated here, parenthetically, that Mr. Hayes had determined to attend and take part in the prison congress of Stockholm, which intention was defeated only by his election to the chief magistracy of the nation. This statement will explain the warmth with which



he referred to the Stockholm gathering in his first message to the Congress of the United States.

The sessions of the Congress of Cincinnati continued for six days with unabated interest from the beginning to the end. It was a hard-working body. Nearly forty papers were read and discussed. Eleven of these were communicated from foreign countries, — namely, six from England, two from France, one from Italy, one from Denmark, and one from British East India. The project of organizing a National Prison Association was considered and adopted, and the preliminary steps to that end taken. A vote was passed to the effect that the time had come when an international prison congress might be summoned with good hopes of success, and I was honored with an invitation to take charge of the work. Finally, a declaration of principles, thirty-seven in number, was considered, debated, and adopted with, I think, absolute unanimity. So far preliminarily.

In studying the problem how best to set about the task assigned me, this thought had great force: If ever true and solid penitentiary reform is had, it must in the end be through the action of governments; therefore it would be desirable to enlist the interest and co-operation of governments in this international study, that so their delegates might keep them *au courant* of both experiment and opinion. This idea was the key-note of my work. My first endeavor was to gain my own Government, which was done without difficulty. An Act was promptly passed authorizing the president to appoint a commissioner to the proposed congress, which appointment was placed in my hands, together with a circular letter from the secretary of state addressed to all the diplomatic and consular officers of the Government abroad, requesting them to lend their aid in my negotiations with the several Governments to which they were accredited, with a view to the organization of the congress. My next step was to call upon the foreign ministers resident in Washington and lay the matter before them, all of whom readily yielded their adhesion, and gave me letters to their respective Governments. Thus armed I visited Europe, and spent the summer and autumn of 1871 in negotiating with the European Governments, most of them in person and the remainder by correspondence through our American ministers. The success of this mission was beyond what could have been anticipated; and when the congress convened in London in the summer of 1872, it was found that all but one of the States of Europe were officially represented in it, the greater part by several delegates. A considerable number of the Governments of both North and South America also sent commissioners to take part in the proceedings, as well as many of the individual States of the German Empire and of the American Union. Altogether, the number of official delegates must have reached nearly one hundred.

But it seemed equally clear that a congress composed wholly of representatives of Governments would have a character too exclusively official, and therefore it was determined to combine a non-official with the official element, so as to give greater freedom and breadth to the discussions.

The union of these two elements in the same body stamped a character of originality on the Congress of London. There had been international congresses of Governments and international congresses of private citizens, the one wholly official, the other wholly non-official; but the London Congress was unique, in that it combined both these elements. It was an illustrious body. Lord Carnarvon was its president. The Prince of Wales honored it with his presence. The British Secretary of State for the Home Department gave official welcome to the foreign delegates in a speech at once cordial and eloquent. Nearly a hundred official delegates as above stated took their seat in the congress. Eminent jurists from the United States and other countries assisted. Directors of the penitentiary administration and inspectors of prisons in many European States lent their aid. Heads of prisons and reformatories were present from all quarters to impart the light of their experience and of that practical wisdom which experience alone can give. Life-long students of penitentiary science, distinguished alike by their talents and their writings, made the pilgrimage to London on that occasion to give dignity and depth to discussions on which they poured the light of their knowledge and wisdom. Juridical associations and criminal-law departments of universities took part in its deliberations. The Institute of France sent one of its members to impart a portion of the stores of thought and knowledge which it had accumulated by a study of the penitentiary question, prolonged through half a century. The discussions of the congress continued ten days. The questions considered were many and weighty; the discussions able and earnest. The official report of the proceedings, a volume of eight hundred pages, is everywhere recognized as one of the most precious contributions to the literature of pœnology which the world has ever seen.

It has been said that the Congress of London reached no conclusions, formulated no propositions, adopted no statement of principles. This, is partly true, and partly not. It did not make any such declaration *eo nomine*, and yet it gave expression to its thought.

The American delegation submitted to the congress a series of propositions embodying substantially the declaration of principles put forth by the Congress of Cincinnati. It was not judged expedient to adopt these propositions *seriatim*; but the most essential of them were reproduced in a condensed form in the final report of the executive committee, which was adopted

as expressing the general sense of the congress touching the matters which it had been called together to consider. These two papers are given below :—

### *I. American Propositions.*

“1. The treatment of criminals by society is for the protection of society. But, since such treatment is directed rather to the criminal than to the crime, its great object should be his moral regeneration. Hence it should be made a primary aim of prison discipline to reform the criminal, and not simply to inflict upon him a certain amount of vindictive suffering. The best guarantee of the public security against a repetition of his crime is the re-establishment of moral harmony in the soul of the criminal himself, — his new birth to a respect for the laws.

“2. In the moral regeneration of the criminal hope is a more powerful agent than fear ; it should therefore be made an ever-present force in the minds of prisoners by a well-devised and skilfully-applied system of rewards for good conduct, industry, and attention to learning. Such rewards may be a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, and a constant enlargement of privilege, as these shall be severally earned by meritorious conduct. Rewards more than punishments are essential to every good penitentiary system.

“3. The progressive classification of prisoners based on merit, and not on any mere arbitrary principle — as crime, age, etc. — should be established in all prisons designed for the treatment of convicted criminals. In this way the prisoner's destiny during his incarceration should be placed measurably in his own hands ; he must be put into circumstances where he will be able, through his own exertions, continually to better his condition. A regulated self-interest must be brought into play. In the prison, as in free society, there must be the stimulus of some personal advantage accruing from the prisoner's efforts. Giving prisoners an interest in their industry and good conduct tends to give them beneficial thoughts and habits, and what no severity of punishment can enforce a moderate personal interest will readily obtain.

“4. In criminal treatment moral forces should be relied on with as little admixture of physical force as may be ; organized persuasion, to the utmost extent possible, should be made to take the place of coercive restraint, — the object being to make upright and industrious *freemen*, rather than orderly and obedient *prisoners*. Brute force may make good prisoners, moral training alone will make good citizens. To the latter of these ends the living soul must be won, to the former only the inert and obedient body. To compass the reformation of criminals the military type in prison management must be abandoned, and a discipline by moral forces substituted in its place. The objects of military discipline and prison discipline, being directly opposed to each other, cannot be pursued by the same road. The one is meant to train men to act together, the other to prepare them to act separately. The one relies upon force, which never yet created virtue ; the other on motives, which are the sole agency for attaining moral ends. The special object of the one is to suppress individual character, and reduce all to component parts of a compact machine ; that of the other is to develop and strengthen individual



character, and by instilling right principles to encourage and enable it to act on these independently.

"5. Nevertheless, unsuitable indulgence is as pernicious as unsuitable severity, the true principle being to place the prisoner in a position of stern adversity, from which he must work his way out by his own exertions, — that is, by diligent labor and a constant course of voluntary self-command and self-denial. As a rule, reformation can be attained only through a stern and severe training. It is in a benevolent adversity, whether in the freedom of ordinary life or the servitude of the prison, that all the manly virtues are born and nurtured. It is easy enough for a bad man to put up with a little more degradation, a little more contumely, a few more blows or harsh restrictions; but to set his shoulder to the wheel, to command his temper, his appetites, his self-indulgent propensities, to struggle steadily out of his position, and all voluntarily, all from an inward impulse, stimulated by a moral necessity, — this is a harder task, a far heavier imposition. Yet it is just this training that a right prison discipline must exact, and only through such training that it can succeed.

"6. It is essential to a reformatory prison treatment that the self-respect of the prisoner should be cultivated to the utmost, and that every effort be made to give back to him his manhood. Hence, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished as of evil influence; and, instead, the penalty of prison offences should be the forfeiture of some privilege, or of a part of the progress already made toward liberation, with or without diminished food, or a period of stricter confinement. There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy. On the other hand, no imposition would be so improving, none so favorable to the cultivation of the prisoner's self-respect, self-command, and recovery of manhood, as the making of every deviation from the line of right bear on present privilege or ultimate release. Such punishments would be as the drop of water that wears away the granite rock, and would without needless pain or wanton cruelty, and especially without further injury to their manhood, subdue at length even the most refractory.

"7. A system of prison discipline to be truly reformatory must gain the will of the convict. He is to be amended, but this is impossible with his mind in a state of hostility. No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation, for a bad man can never be made good against his consent. Nowhere can reformation become the rule instead of the exception where this choice of the same thing by prison keepers and prison inmates has not been attained.

"8. No prison can become a school of reform till there is on the part of the officers a hearty desire and intention to accomplish this object.



Where there is no prevalent aim to this effect, there can be no general results in this direction. Such a purpose, however, universally entertained by prison officers would revolutionize prison discipline by changing its whole spirit, and fit reformatory processes would follow such change as naturally as the harvest follows the sowing. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our prison management. Once let it become the heartfelt desire and purpose of prison officers to reform the criminals under their care, and they will speedily become inventive of the methods adapted to the work.

"9. In order to the reformation of imprisoned criminals, there must also be in the minds of prison officers a serious conviction that they are capable of being reformed, since no man can heartily pursue an object at war with his inward beliefs, no man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is the prelude of failure, confidence a guarantee of success. Nothing so weakens moral forces as unbelief, nothing imparts to them such vigor as faith. "Be it unto thee according to thy faith" is the statement of a fundamental principle of success in all human enterprises, especially when our work lies within the realm of mind and morals.

"10. The task of changing bad men into good ones is not one to be confided to the first-comers. It is a serious charge, demanding thorough preparation, entire self-devotion, a calm and cautious judgment, great firmness of purpose and steadiness of action, a keen insight into the springs of human conduct, large experience, a true sympathy, and morality above suspicion. Prison officers, therefore, need a special education for their work, as men do for the other great callings of society. Prison administration should be raised to the dignity of a profession. Prison officers should be organized in a gradation of rank, responsibility, and emolument; so that persons entering the prison service in early life, and forming a class or profession by themselves, may be thoroughly trained in all their duties,—serving in successive positions till, according to their merits tested chiefly by the small proportion of re-convictions, they reach the position of governors of the largest prisons. Thus alone can the multiplied details of prison discipline be perfected and uniformity in its application be attained. For only when the administration of public punishment is made a profession will it become scientific, uniform, and successful in the highest degree.

"11. Work, education, and religion (including in this latter moral instruction) are the three great forces to be employed in the reformation of criminals. (a) Industrial training should have a broader and higher development in prisons than is now commonly the case. Work is no less an auxiliary to virtue than it is a means of support. Steady, active, useful labor is the basis of all reformatory discipline. (b) Education is a vital force in the reformation of the fallen. Its tendency is to quicken thought, inspire self-respect, incite to higher aims, open new fields of exertion, and supply a healthful substitute for low and vicious amusements. (c) Of all reformatory agencies religion is first in importance, because most powerful in its action upon the human heart and life. In vain are all devices of coercion and repression if the heart and conscience, which are beyond all power of external control, are left untouched.

"12. Individualization is an essential principle of a reformatory prison discipline. To insure their highest improvement, prisoners must to a certain extent be treated personally. While they are all placed under a general law, the conduct of each should be specially noted. The improving effect of such a verification to each of his progress in virtue would be great. It would be a first step toward restoring to him that feeling of self-respect without which no recovery will ever be found permanent. Each should be enabled to know the light in which his conduct is viewed by those placed over him; for thus alone, as his good resolutions strengthen, will he be enabled to correct that wherein he may be found deficient. The statement of this principle affords an indication as to the maximum number of prisoners proper to be detained in a penitentiary establishment, but it by no means settles that question; nor indeed can such definite and positive settlement ever be arrived at, since the question is one which must necessarily be left to the judgment and convenience of each individual State or community.

"13. Repeated short sentences are believed to be worse than useless, their tendency being rather to stimulate than to repress transgression in petty offenders. The object here is less to punish than to save. But reformation is a work of time; and a benevolent regard to the criminal himself, as well as the protection of society, requires that his sentence be long enough for reformatory processes to take effect. It is the judgment of this Congress that every penal detention should have in view, above all, the time of the prisoner's liberation, and that the entire discipline of a prison should be organized mainly with a view to prevent relapses. If by a short and sharp first imprisonment it is important to give an energetic notice so as to prevent the propagation of evil, it is no less important afterward, by means of sentences of a longer duration, to prepare, in a manner more sustained and efficacious, the habitual petty transgressor for his re-entrance into society as a reformed, industrious, and useful citizen.

"14. Preventive agencies—such as general education, truant-homes, industrial schools, children's aid societies, orphan asylums, and the like, designed for children not yet criminal but in danger of becoming so—constitute the true field of promise in which to labor for the prevention and diminution of crime. Here the brood may be killed in the egg, the stream cut off at the fountain; and whatever the cost of such agencies may be, it will be less than the spoliations resulting from neglect and the expense involved in arrests, trials, and imprisonments.

"15. The successful prosecution of crime requires the combined action of capital and labor, just as other crafts do. There are two well-defined classes engaged in criminal operations, who may be called the capitalists of crime and its operatives. It is worthy of inquiry whether society has not made a mistake in its warfare upon crime, and whether it would not be better and more effective to strike at the few capitalists as a class than at the many operative plunderers, one by one. Let it direct its blows against the connection between criminal capital and criminal labor, nor forbear its assaults till it has wholly broken and dissolved that union. We may rest assured that when this baleful combination shall be pierced to its vital part it will perish,—that when the corner-stone of the leprous fabric shall be removed, the building itself will tumble into ruins.

"16. More systematic and comprehensive methods should be adopted

to save discharged prisoners by providing them with work and encouraging them to redeem their character and regain their lost position in society. The State has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having lifted him up, it has the further duty to aid in holding him up. In vain shall we have given the convict an improved mind and heart, in vain shall we have imparted to him the capacity for industrial labor and the will to advance himself by worthy means, if on his discharge he finds the world in arms against him, with none to trust him, none to meet him kindly, none to give him the opportunity of earning honest bread.

"17. Since personal liberty is a right as respectable as the right of property, it is the duty of society to indemnify the citizen who has been unjustly imprisoned, on proof of his innocence whether at the time of his trial or after his sentence, as it indemnifies the citizen from whom it has taken his field or his house for some public use.

"18. It is the conviction of this Congress that one of the most effective agencies in the repression of crime would be the enactment of laws for the education of all the children of the State. Better to force education upon the people than to force them into prison to expiate crimes of which the neglect of education and consequent ignorance have been the occasion, if not the cause.

"19. This Congress defends as just and reasonable the principle of the responsibility of parents for the full or partial support of their children in reformatory institutions. The expense of such maintenance must fall on somebody, and on whom can it fall more fitly than on the child's parent, whose neglect or vices have probably been the occasion of its lapse into crime?

"20. This Congress arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests practised by the criminal classes. Does society take all the steps which it easily might to change the circumstances in our social state that lead to crime, or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to amend in both directions. Offences, we are told by a high authority, must come, but a special woe is denounced against those through whom they come. Let States and communities take heed that that woe fall not upon their head.

"21. The systems of criminal statistics stand in urgent need of revision and amendment. The Congress judges it expedient and desirable that greater uniformity should be secured in making up the statistics in this department of the public service in different countries, to the end that comparisons may be the more readily made, that conclusions may be the more accurately drawn, and that criminal legislation may with greater safety be based upon the conclusions so reached.

"22. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. The chief points to be aimed at in prison construction are security, perfect ventilation, an unfailing supply of pure water, the best facilities for industrial labor, convenience of markets, ease of supervision, adaptation to reformatory aims, and a rigid, though not parsimonious, economy.



"23. A right application of the principles of sanitary science in the construction and arrangement of prisons is a point of vital moment. The apparatus for heating and ventilation should be the best that is known ; sunlight, air, and water should be afforded according to the abundance with which Nature has provided them ; the dietary and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity ; the bedsteads, beds, and beddings not costly, but decent, well-aired, and free from vermin ; the hospital accommodations, medical stores, and surgical instruments should be all that humanity requires or science can supply ; and all needed means for personal cleanliness should be without stint.

"24. As a principle that crowns all and is essential to all, it is our conviction that no prison system can be perfect, or successful to the most desirable extent, without some central and supreme authority to sit at the helm, guiding, controlling, unifying, and vitalizing the whole. All the departments of the preventive, reformatory, and penal institutions of a State should be moulded into one homogeneous and effective system, its parts mutually answering to and supporting one another, and the whole animated by the same spirit, aiming at the same objects, and subject to the same control, yet without loss of the advantages of concurring local organizations and of voluntary aid, wherever such aid is attainable and may be judiciously and wisely admitted.

"25. This Congress is of the opinion that, both in the official administration of such a system and in the voluntary co-operation of citizens therein, the agency of women may be employed with good effect."

## *II. Propositions of the Executive Committee.*

After briefly reciting the history of the congress and its work, the committee thus epitomized the longer paper of the American delegation, and submitted to the congress what in the United States would be called the draft of its platform :—

"The Committee did not think it advisable that votes should be taken on the matters of opinion which were discussed in the sections. Such votes could have represented nothing but the personal views of those who happened to be present at any given moment in a fluctuating assembly largely composed of irresponsible persons, who might or might not have had any real knowledge of the question under discussion. But it had from the first resolved that it would endeavor to formulate in this report the prevalent views enunciated in the congress, to express the spirit of the meeting, not on matters of detail but as to some of those leading principles which lie at the root of a sound prison discipline, and which must animate any system whatever its nature, which is effective for the reformation of the prisoner and the consequent repression of crime.

"Recognizing as the fundamental fact that the protection of society is the object for which penal codes exist and the treatment of criminals is devised, the Committee believes that this protection is not only consistent with, but absolutely demands, the enunciation of the principle that the moral regeneration of the prisoner should be a primary aim of prison discipline. To attain this aim, hope must always be a more powerful agent



than fear; and hope should therefore be constantly sustained in the minds of prisoners by a system of rewards for good conduct and industry, whether in the shape of a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, or an enlargement of privilege. A progressive classification of prisoners should, in the opinion of the Committee, be adopted in all prisons.

"In the treatment of criminals, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished; and the penalties for prison offences should, so far as possible, be the diminution of ordinary comforts, the forfeiture of some privilege, or of a part of the progress made towards liberation. Moral forces and motives should in fact be relied on, so far as is consistent with the due maintenance of discipline; and physical force should be employed only in the last extremity. But in saying this, the Committee is not advocating unsuitable indulgence, which it believes to be as pernicious as undue severity. The true principle is to place the prisoner—who must be taught that he has sinned against society, and owes reparation—in a position of stern adversity, from which he must work his own way out by his own exertions. To impel a prisoner to this self-exertion should be the aim of a system of prison discipline, which can never be truly reformatory unless it succeeds in gaining the will of the convict. Prisoners do not cease to be men when they enter the prison walls, and they are still swayed by human motives and interests. They must therefore be dealt with as men,—that is, as beings who possess moral and spiritual impulses as well as bodily wants.

"Of all reformatory agencies religion is first in importance, because it is the most powerful in its action upon the human heart and life. Education has also a vital effect on moral improvement, and should constitute an integral part of any prison system. Steady, active, and useful labor is the basis of a sound discipline, and at once the means and test of reformation. Work, education, and religion are consequently the three great forces on which prison administrators should rely. But to carry out these principles individualization becomes essential; prisoners, like other men, must be treated personally, and with a view to the peculiar circumstances and mental organization of each. The Committee need not say that to carry out such views prison officers are required who believe in the capacity of prisoners for reformation, and enter heartily into that work. They should, so far as possible, receive a special training for their duties, and should be organized in such a gradation of rank, responsibility, and emolument as may retain experience and efficiency in the service and lead to the promotion of the most deserving.

"But if a sound system of prison discipline be desirable, it is no less expedient that the prisoner on his discharge should be systematically aided to obtain employment, and to return permanently to the ranks of honest and productive industry. For this purpose a more comprehensive system than has yet been brought to bear seems to be desirable.

"Nor can the Committee omit to say that it is in the field of preventive agencies,—such as general education, the establishment of industrial and ragged schools, and of other institutions designed to save children not yet criminal but in danger of becoming so,—that the battle against crime is in a great degree to be won. In this, as in the general question of the reclamation of the guilty and erring, the influence of women devoted to such

work is of the highest importance ; and the Committee rejoices that this congress has had the advantage of the presence and counsel of many ladies whose practical acquaintance with prisons and reformatories has given weight to their words, and whose example furnishes hope for the future.

"Lastly, the Committee is convinced that the systems of criminal statistics now in force stand in urgent need of revision. Greater uniformity should be secured, and means taken to insure a higher standard of accuracy and trustworthiness in this branch of the statistics of different countries."

The president for the day, Sir John Pakington (now Lord Hampton), before putting the question on the adoption of the report, reminded the congress that it was the unanimous report of an essentially representative committee, which consisted of one delegate from each of the many nations represented ; and that such a committee, after several days' discussion of subjects of the deepest interest as well as complicated and difficult, had adopted a unanimous report, distinguished by breadth and comprehensiveness, was a fact on which the congress might be congratulated as a satisfactory termination of its proceedings. Such a unanimous agreement fairly justified the conclusion that the discussions had not been in vain. Great principles of conduct had been unanimously adopted by those who had the best means of considering the discussions that had taken place ; and it was therefore a matter of satisfaction and thankfulness that the interesting debates had not been unproductive of good result.

The report, on the motion being put, was adopted by a unanimous vote. But no obscurity should be left resting on the significance of this vote. It did not mean that every one voting in the affirmative gave his assent to every proposition contained in the report ; still less that the official delegates thereby intended to bind their Governments to any opinions or any action whatsoever. It was intended simply to convey the idea that the voters believed that the report of the committee embodied the *general sentiment* of the congress, as gathered from the debates.

Before the congress adjourned without day, it appointed a permanent international penitentiary commission to replace the congress during its recess ; to collect and publish international prison statistics ; to fix upon the time and place for convoking another congress, and to make all needful preparations for the same.

## CHAPTER XXXI. — CONGRESS OF STOCKHOLM, 1878.

AFTER years of active preparation, — the most thorough, I think, ever made for any international reunion on whatever subject and of whatever kind, — this congress on the invitation of the king and government of Sweden met at Stockholm, the beautiful capital of a noble and progressive country, on the 20th day of August, 1878. It was literally as it proposed to be, and as its name imports, a congress of the whole civilized world. No œcumenical ecclesiastical council summoned by papal authority was ever drawn from regions more broad or points more distant than this œcumenical penitentiary council of Stockholm. Vast indeed were the territories from which its members or its governmental reports came. Their limits on the north were Russia, Iceland, and Newfoundland; on the south, Cape Horn and the Cape of Good Hope; on the east, China, Japan, and New Zealand; on the west, the Sandwich or Hawaiian Islands.

The number of members in attendance was within a fraction of three hundred, of whom a very considerable proportion were official, commissioned by some thirty different Governments, States, and colonies. Most of these were represented not by one but by several delegates. Fourteen of the European Governments appeared in the congress by the chiefs of their respective penitentiary administrations. Among other delegates were a number of justices and even chief-justices of supreme courts and other high courts of criminal jurisdiction in the several European countries and British colonies; many English and Continental magistrates; not a few distinguished professors in the criminal-law departments of universities; several members of parliaments, English and Continental; numerous heads and other officers of prison and reformatories; many representatives of prison societies; and a large number of eminent specialists from all the different countries, who came in response to personal invitations issued by the international penitentiary commission. More than three-fourths of all the prisons in Europe are in the hands or under the control of the members of the Stockholm Congress. This is a great fact, and, as it seems to me, full of hope for the future of prison reform.

All the foreign ministers accredited to the court of Sweden were constituted honorary members of the congress, which they honored and gave dignity to by their presence, — some of them not once only, but several times.

Sweden's interest in the congress was warm and earnest. Her parliament appropriated twenty-one thousand francs to meet its expenses. The acting prime minister of the country was its president. The governor of Stockholm was assiduous in his atten-



tions. The governor of the province of Uplands planned and executed an excursion for the congress to the old and renowned city of Upsala. The king came from his other capital in Norway expressly to do honor to it; he attended one of its sessions; he eloquently expressed his sympathy for its objects; he entertained it with a magnificent banquet; in short, he showed himself not simply the monarch and the statesman, but the gentleman, the scholar, and the philanthropist. Indeed, the hospitality of Sweden knew no limits except the duration of the congress. King, government, and people vied with each other in the cordiality and profuseness of their reception.

In illustration and confirmation of this statement I cite a remark of Signor Canonico, a member of the Italian court of cassation and an official delegate from the Italian Government, made at the king's banquet:—

“The city of Stockholm has given us not only the hospitality of her palaces but also the hospitality of her heart, since whatever she has done for us has come from the soul-depths of the whole population. For this reason we feel ourselves united to her by ties which neither space nor time can ever sunder. The principal divinities of the ancient Scandinavians were Freya and Odin, — Love and War. Well, gentlemen, these two powers, of which those divinities were the symbol, and which amid the pensive and profound smile of your beautiful nature have inspired the immortal songs of your ancient bards, — these two powers, I say, purified and elevated by the breath of a higher religion, should not cease to stir our soul and control our action. And this because they have to-day become a love infinitely higher and a war unspeakably more holy, — the love of truth and goodness, the war against falsehood and vice.

The industry of the congress was one of its conspicuous features. It was pre-eminently a working body. Not only did its members have “a mind to work,” but they knew how to work. Quick in execution and skilled in time-saving, they gained upon their work at both ends. The body continued in session but six days. In a life of more than three-score years and ten, I have never known so much good work done in so short a time.

The ability of the congress was equal to its industry. This appeared in all the debates, but was especially noticeable in the readiness and skill shown by the gentlemen appointed to report to the general assembly of the congress on the questions discussed by the sections. The clearness and force with which each epitomized the discussion, elucidated its points, and formulated its conclusions, added to the extreme rapidity with which the work was done, were truly remarkable.

If the Congress of Stockholm is weighed by the diligence, zeal, and energy with which it worked, it must be pronounced the peer of any that ever assembled; if by the dignity of its proceedings



and the eminent ability of its debates and papers, it may claim to have stood squarely abreast of any senate in the world.

The good fellowship of the congress, the friendliness and cordiality of its members, was another of its marked and gratifying characteristics. No doubt differences of opinion were developed, and the orators maintained their respective views with the earnestness which belongs to conviction. But no ripple of ill-feeling, no intemperance of speech, no personal irritations disturbed for a moment the tranquil flow of its proceedings.

One of the leading aims of the Congress of Stockholm was the collection from wide regions, and the diffusion no less widely, of authentic information on the penitentiary question. To this end a circular letter was addressed in 1876, by the international commission, to all the Governments of the civilized world, including States, colonies, and cantons, asking such information on some twenty different points embraced in the general question of prison reform. Fifty reports, or thereabout, were transmitted to the congress by as many Governments in reply to the questions addressed to them by the commission. These reports, a few of which however were not official, came from all quarters of the globe, including India, China, Japan, Persia, Morocco, Australia, New Zealand, the Hawaiian Islands, Liberia, Cape Town, and all the more important of the English colonies, which are found in all the latitudes and longitudes of the earth.

It is proper that brief mention be made of the opening session and organization of the congress.

The session was opened at 10 o'clock A.M. in the Swedish senate chamber, or grand hall of the palace of nobles. His excellency M. Björnstjerna, minister of foreign affairs for Sweden and Norway, and acting president of the council of ministers, pronounced the following address:—

“GENTLEMEN,—In the name of the King and the Government—I may add also in the name of my countrymen—I have the pleasure of welcoming you to our country, which you have honored by choosing as the place for the meeting of your congress.

“I cannot be mistaken when I see in this choice a mark of sympathy for our country and, at the same time, a token of respect both to our present enlightened and beloved sovereign and to the memory of his august father, the crowned author, who was a constant and zealous promoter of penitentiary reform.

“The promptness with which nearly all the Governments have responded to the invitation to send delegates to the congress is a gratifying proof of the interest which they take in your labors, at the same time that the choice of their delegates offers the best guarantee that these labors will not remain unfruitful.

“We had feared that the distance of Stockholm might prove a serious obstacle to the success of the congress, but the numerous and distin-

guished, assemblage which has responded to the appeal proves that our fears were groundless, and that difficulties could not arrest you in the pursuit of a work useful to the cause of progress and of humanity.

"A wise limitation in your rules has prevented the inconvenience of too great an affluence of members, by requiring special qualifications for admission. Thus constituted, and with the lights of experience which you bring to the work, the second international penitentiary congress is destined, without doubt, to produce practical and beneficent results.

"Unfortunately, despite all our efforts, crime will always exist so long as human nature remains unchanged. If you can but instruct us as to the means of combating it and diminishing its frequency, the means of directing exposed and neglected youth into the good and right way, and of restoring to society as useful members some portion at least of the criminals who now relapse into vice after having been inmates of our prisons, you will have accomplished a noble work.

"It is in the expression of these wishes that I have the honor to declare the second international penitentiary congress now open."

Mr. de Grot, of Russia, proposed his excellency M. Björnstjerna for president of the congress, and Dr. Wines as honorary president. These two propositions were adopted by acclamation.

Messrs. de Grot of Russia, Almquist of Sweden, and Thonissen of Belgium were then, in like manner, chosen as vice-presidents, and Dr. Guillaume of Switzerland as secretary.

For the better prosecution of its labors the congress divided itself into three sections, — one on penal legislation, another on penitentiary establishments, and a third on preventive institutions.

The conclusions adopted by the congress, as a matter of course, form the *gravamen* of its work. By them it must stand or fall. But it is precisely here, as I conceive, that the congress was strong.

Sixteen questions — four in the first section, six in the second, and six in the third — were considered and discussed. Formal answers were given to these questions by the congress, in the shape of conclusions, resolutions, propositions, or by whatever name one chooses to call them. In any case, they embody the thought of the convention on the subject-matter to which they severally relate. My method of reporting here will be to give first the question and then the response made to it by the congress : —

#### *Section first: Penal Legislation.*

*Question.* How far ought the mode of executing sentences to be fixed by law? Should any discretionary power in regard to such execution be intrusted to the prison administration in the case of prisoners to whom the general régime might prove inapplicable?

*Response.* While maintaining uniformity in the mode of applying the punishment, the Congress is of the opinion that the administration of the prison should possess a discretionary power within limits determined by the law, to the end that it may, as far as possible, apply the spirit of the general régime to the moral condition of each prisoner.

*Q.* Would it be desirable to continue the several designations of the penalties privative of liberty, or, instead, to adopt the legal assimilation of all penalties, without other distinction than that of their duration, and such accessory consequences as their imprisonment may involve after their liberation?

*R.* While reserving the lighter and special penalties for certain offences neither grave in themselves nor denoting a deep corruption on the part of their author, the Congress holds it desirable, whatever the penitentiary system may be, to adopt as far as may be the legal assimilation of punishments privative of liberty, without other difference between them than their duration and the accessory consequences which they may involve after liberation.

*Q.* Under what conditions, if any, may transportation be made to subserve a useful purpose in the administration of penal justice?

*R.* The Congress thinks that the penalty of transportation presents difficulties in the execution which neither permit its adoption in all countries, nor allow the hope that it can everywhere realize all the conditions of an effective penal justice.

*Q.* What ought a general inspection of prisons to embrace? Is such general inspection necessary, and should it extend to all prisons, and also to private institutions for the detention of juvenile delinquents?

*R.* We hold that it is not only useful but essential that there be in the State a central power, which has the right of directing and inspecting all prisons without exception, and equally all establishments devoted to the care and treatment of young delinquents.

### *Section Second: Penitentiary Establishments.*

*Question.* What formulas should be adopted for recording international penitentiary statistics?

*Response.* 1. The system of international penitentiary statistics ought to be continued according to the method adopted for the year 1872.

2. The choice of the formulas and the details of execution should be left to the judgment of the international penitentiary commission, under the reserve that all the numerical data be accompanied by explanations of such a nature as to facilitate the understanding of them.



3. The preparation of the annual international penitentiary statistics should be confided, successively, to the penitentiary administration of each of the countries represented in the commission.

*Q.* Would the creation of normal schools for the professional training of prison officers and employés be likely to promote the success of the penitentiary work?

*R.* The Congress is of the opinion that prison officers, before being definitively admitted to the service, should receive a theoretical and practical education suited to prepare them for their profession. It is further of the opinion that the essential condition of a supply of qualified officers consists in the payment of such salaries as will attract and retain competent persons in the service, and in such guarantees as will assure to them permanence in their situation.

*Q.* What disciplinary punishments may be fitly employed in prisons?

*R.* The Congress declares its approval of the use of the following disciplinary punishments in penitentiaries:—

1. Admonition.

2. The partial or absolute privation of the rewards accorded.

3. A more strict imprisonment.

This last punishment may be increased in severity, so far as the health and character of the prisoner will permit, by withdrawing from his cell the table, chair, or bed; by darkening the cell; or by depriving him of the permission to read and work.

If the above mentioned punishments do not suffice, the following may be applied, under the reserve specified in the foregoing paragraph:—

4. A reduction of the rations of each day, conjointly with the privation of work.

5. In cases of great violence and of fury on the part of the convict, the strait-jacket or some similar agency may be used.

As regards prisoners awaiting trial, the governor should be restricted to the use of such agencies as may accomplish the end in view, and that all disorder or excess on the part of the prisoner may be prevented or repressed.

*Q.* The conditional liberation of prisoners?

*R.* As conditional liberation is not opposed to the principles of penal law, as it is not an infringement of the sentence, and as moreover it offers advantages to society as well as to the convict, it ought to be recommended to the careful study of governments. Nevertheless, it is an institution which should be surrounded by appropriate guarantees.

*Q.* Ought the cellular system to undergo certain modifications according to the nationality, social position, and sex of the prisoners?

*R.* In countries where the cellular system prevails, it should be



applied in principle without distinction of race, of social condition (peasants or citizens), or of sex, save that the administration may take account in the details of special conditions of race or of the social state. There is no reserve to be made, except as to that which concerns young offenders; and if the cellular régime is extended to them, it should be in such manner as not to interfere with their physical or moral development.

*Q.* Should the duration of cellular separation be unalterably determined by law? May the prison administration admit exceptions for other causes than disease?

*R.* The Congress is of opinion that exception may be made to the rule of isolation in the following cases:—

1. When the prisoner is insane, or suffering under some mental affection.

2. When he is the subject of some chronic malady or of grave and incurable infirmities.

3. When, after a sufficient trial, it becomes apparent that cellular imprisonment cannot be further prolonged without exposing the prisoner to serious dangers.

### *Section Third: Preventive Institutions.*

*Question.* How ought the patronage of liberated adult prisoners to be organized? Should there be separate societies for the different sexes?

Ought the State to grant subventions to patronage societies, and under what conditions?

*Response.* The Congress, convinced that aid to liberated adult prisoners is the essential complement of a reformatory prison discipline, and taking account of the results obtained since the last meeting, is of the opinion, —

1. That it is important to generalize as much as possible this institution, by stimulating private initiative to found aid societies in concurrence with the government, but without giving to such associations an official character.

2. The Congress is further of the opinion that aid should be given to such liberated prisoners as during their imprisonment shall have given proofs of reformation, attested either by the penitentiary administration or by visitors delegated by aid societies.

3. The Congress thinks it desirable that distinct societies should be organized for liberated females, and that their management be confided so far as practicable to persons of their own sex.

*Q.* On what principles ought reformatory institutions for juvenile delinquents to be organized and conducted?

In what manner should institutions be organized and managed, which are designed for the treatment of destitute, vagrant, neglected, exposed, homeless, and vicious children?

R. The Congress replies to these two questions in the terms following, to wit:—

1. In the treatment of minors who have been acquitted as having acted without knowledge, or of vagrant, mendicant, and vicious children in general, the principle must be distinctly recognized that it is not a question of executing a penalty or a chastisement, but of giving an education, whose aim is to place the children in a condition where they can gain an honest living and be useful to society instead of injuring it.

2. The best education is that which is given in a virtuous family. In default of families, which may guarantee a virtuous education and be disposed to undertake this duty, recourse may be had to public or private establishments.

3. Such establishments should have for their basis religion and work, united to scholastic instruction.

4. It is a question whether in these establishments the system of small groups of children formed in imitation of families, or large numbers massed together, is to be preferred. This question can only be decided by circumstances. In any case the number of inmates gathered into the same establishment ought to be so limited that the chief of the establishment may personally interest himself in each one.

5. The children belonging to different religions should be, so far as possible, placed in different establishments. The separation of the sexes and of the different ages is desirable for children over ten years. If circumstances are such as to forbid the placing of the different sexes and ages in different establishments, they should at least be separated from each other in the establishments into which they are received.

6. The education given in these institutions ought to correspond to the conditions in which the working classes live. Hence, a scholastic instruction on a level with that of the elementary schools; the greatest simplicity in the food, clothing, and lodging of the children; and, above all, labor.

7. The labor ought to be so organized that the children of rural origin as well as those of city origin should find the means of preparing themselves for the future to which they are destined.

8. The girls ought to receive in these establishments an education which will prepare them, above all, for the care and management of a household.

9. The placing of vicious children in families or institutions should take place, as far as possible, without the intervention of the judiciary; and the law should provide that the child so placed be not withdrawn before his education shall have been completed, or against the will of the direction. The Congress applauds the efforts made to this end on the part of certain governments, by substituting for judicial action the intervention of a tutelary authority created for this purpose.

10. Establishments of the sort here intended should have the power to retain their inmates to eighteen years completed. Any prior liberation should be revocable in case of misconduct.

11. It should be made the duty of the managers of these institutions to see that their wards on their liberation be provided with suitable places, as assistants on farms, as domestic servants, as apprentices, or that they be employed in some other manner.

12. All establishments of this sort, even those of a private character, ought to be subject to a general supervision on the part of the public authority.

*Q.* How can uniform police action be secured by the different States, with a view to the prevention as well as the repression of crime?

*R.* With a view to the prevention and repression of crime, the Congress thinks it desirable that an understanding be had between the Governments of different countries. Such understanding ought, in the first place, to have relation to treaties of extradition, which it would be useful to revise and make more uniform, and then to the agencies recognized as most practical in carrying into effect the provisions of these treaties, and for establishing closer relations between the police administrations of different States.

*Q.* What are the best means of combating relapse?

*R.* The Congress is of the opinion that the most effectual means of combating relapse are: a reformatory prison discipline, conditional liberation, and a less frequent use of short punishments for habitual criminals.

The Congress is further of the opinion that if, in the legislation of the different countries, the increased penalties to be incurred in case of relapse were indicated with sufficient exactness, relapses might become less frequent.

Moreover, the Congress thinks that the institutions recognized as complementary to a prison system—such as aid societies, houses of industry, agricultural colonies, and other means of assistance—might be made effectually to contribute to the end indicated.

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#### CHAPTER XXXII.—PROFESSIONAL EDUCATION OF PRISON OFFICERS.

THE Congress of Brussels, in 1846, declared in favor of a "special training for the inner service of prisoners." The Congress of Frankfort in like manner, in 1857, adopted a resolution favoring a "special education of prison officials." The more

recent congresses at London and Stockholm both made similar declarations. Here, then, we have the highest possible authority in support of a given principle in penitentiary science; and that in repeated declarations of successive bodies of representative pœnologists, running through an entire generation. On this I wish to say, that as Italy, in 1704, first inaugurated a genuine and solid advance in convict treatment, in the establishment of Pope Clement's juvenile prison at Rome, so the same Italy, in 1873, was again the first, by founding her normal school for the training of prison officers, also at Rome, to inaugurate the system of the professional education of prison employés,—a system destined, I am profoundly convinced, more than any other one thing, to advance, to crown, and to perpetuate the work of prison discipline and reform.



## PART SECOND.

## CHILD-SAVING WORK.

CHAPTER XXXIII. — CHILD-SAVING WORK AMONG THE  
ANCIENT HEBREWS.

CHILD-SAVING work, with two signal exceptions, is of later origin than prison reform. These exceptions are found in the Hebrew State and the early Christian Church. In the whole of primitive antiquity, I know of but a single nation in which any work of this kind was done. That was the ancient people of Israel, to whom God himself gave a code of civil laws through the mouth of his servant Moses. Any one who reads attentively that code or system of laws will be struck with the pains and care bestowed by it on the education and training of the young, to the end that they might know their duties and perform them; in other words, that the Hebrews might become a wise, upright, law-abiding, and non-criminal people. Many were the enactments in that code which required parents to instruct their children in the knowledge of the laws, and train them from earliest childhood to right sentiments and habits. Thus the education imparted was more domestic than institutional, in the household rather than in the industrial, or reformatory, or even general school.

The "Book of the Law" was a remarkable composition, as well in structure as in contents. Two distinct elements are observable in it,—one, a set of laws forming a complete ecclesiastical and civil code; the other, an historical detail of the principal events connected with the promulgation of the laws. The two elements are combined in a manner quite extraordinary and unique. The laws do not stand insulated by themselves; neither are they embodied in a systematic form, like the Institutes of Lycurgus or the Pandects of Justinian: but, however paradoxical the assertion may seem, they are both separated and connected by the historical narration. It is a code of laws in a frame of history. There are continual transitions from history to law, and from law to history. They are everywhere grafted the one into the other; and there is between them such a mutual connection and dependence that the two parts seem to grow together,—that is, simultaneously,—like the branches of a tree.

Now this history and these laws were crowded with public monuments and public actions, with commemorative rites and festivals. But what has this to do with the education of children? "Much, every way." These public actions and solemn ceremonials were scattered all through the year, in festivals constantly renewed. The children of those times were like the children of our times and of all times,—fond of sight-seeing, and curious to know the meaning of all they saw.

Just here, then, and in this connection, read the following statutes of Moses:—

"And it shall be when thy son asketh thee in time to come, saying, What is this? that thou shalt say unto him, By strength of hand the Lord brought us out from Egypt, from the house of bondage. . . . And thou shalt show thy son in that day, saying, This is done because of that which the Lord did unto me when I came forth out of Egypt. (Ex. xiii. 8, 14.)

"What nation is there so great, that hath statutes and judgments so righteous as all this law which I set before you this day? Only take heed to thyself and keep thy soul diligently, lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life; but teach them to thy sons, and thy sons' sons; specially the day that thou stoodest before the Lord thy God in Horeb, when the Lord said unto me, Gather me the people together, and I will make them hear my words, that they may learn to fear me all the days that they shall live upon the earth, and that they may teach their children. (Deut. iv. 8-10.)

"These words which I command thee this day shall be in thy heart: and thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. . . . When thy son asketh thee, saying, What mean the testimonies and the statutes and the judgments which the Lord our God hath commanded you? then thou shalt say unto thy son, We were Pharaoh's bondmen in Egypt; and the Lord brought us out of Egypt with a mighty hand . . . that he might bring us in, to give us the land which He sware unto our fathers. And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that he might preserve us alive as it is this day. And it shall be our righteousness if we observe to do all these commandments before the Lord our God, as he hath commanded us. (Deut. vi. 6, 7, 20-25.)

"Therefore shall ye lay up these my words in your heart and in your soul, and bind them for a sign upon your hand, that they may be as frontlets between your eyes. And ye shall teach them to your children, speaking of them when thou sittest in thine house and when thou walkest by the way, when thou liest down and when thou risest up. And thou shalt write them upon the door-posts of thine house, and upon thy gates: that your days may be multiplied, and the days of your children, in the land which the Lord sware unto your fathers to give them, as the days of Heaven upon the earth." (Deut. xi. 18-21.)

The passages above cited from the "Book of the Law" are but a few specimen brick, to show the endless iteration therein of the duty of parents to imbue their children with a knowledge and love of the laws of their country, to the express end that they might walk in the "good and right way," and so prolong and perpetuate their national life and prosperity.

And was this law obeyed? Turn to Psalms lxxviii. 4-6, and we shall see. There it is written: "We will not hide them [the statutes and testimonies of the Lord] from our children, showing to the generation to come the praises of the Lord, and his strength, and his wonderful works that he hath done. For he established a testimony in Jacob, and appointed a law in Israel, which he commanded our fathers that they should make them known to their children: that the generation to come might know them, even the children which should be born; who should arise and declare them unto their children." Doubtless it was in allusion to this that Solomon (in Proverbs) laid down the proposition, "Train up a child in the way he should go; and when he is old, he will not depart from it." And St. Paul without doubt had the same in mind when he wrote (Eph. vi. 4), "Bring them up [*i. e.* your children] in the nurture and admonition of the Lord." And the influence of this teaching is prolonged even to our day. Who does not know how rare it is to see a person of the Jewish race arraigned before the courts and convicted of crime? I shall never forget the impression made on me when I saw, in one of the largest prisons of Paris, the little box which served as chapel for all the Israelitish prisoners confined in that vast establishment.

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#### CHAPTER XXXIV.—CHILD-SAVING WORK IN THE PRIMITIVE CHRISTIAN CHURCH.

THE Saviour of the world taught us in what light he regarded child-saving work when, despite the rebuke of his disciples, he took little children in his arms and said, "Suffer the little children to come unto me, and forbid them not." Did he not, in that act and by those words, lay upon us a command, full of gentle and persuasive force, to "go and do likewise"? So the primitive Church evidently interpreted it, as we shall see. The instances I am about to cite are all culled from Chastel's "Charity of the Primitive Churches," and I need not therefore encumber my pages with special references. The Apostolic Constitutions exhort in these words: "Bishops, take care of the orphans; see that they want nothing." Deserted, destitute, exposed children



were in all respects to be cared for as the poor orphans. Tertullian distinctly includes them in the same category. They were to receive their primary education at the hands of the widows and consecrated maidens; they were to be taught a trade; they were to be gathered into the fold of Christ. Whereas, paganism peopled with them its schools of gladiators and its houses of prostitution.

At a later period orphan asylums (*orphanotrophia*) and infant nurseries (*brephotrophia*) were established,—organized charities, to which deserted, destitute, and neglected children were admitted equally with those who had lost one or both parents. A passage in St. Augustine indicates that often for abandoned children the Church through its various agents—the sacristan, the consecrated maidens, the ministers—exerted itself to find persons who would be willing to receive them into their families and “bring them up in the faith,”—the “boarding-out system”! But private charity, untrammelled by organization, was still active in child-saving work; for, says Chastel: “The foundation of St. Galla, the daughter of Symmachus, who assembled at her house the poor little children whom she had found out, appears to have been a work of charity wholly individual.” Of the same nature, as regards the personal character of the work, was the house founded by Pammachius, at the mouth of the Tiber, for the poor, both the aged and the young, especially strangers. This illustrious councillor and senator, after the death of his wife Paulina, found consolation only in works of charity, of which she had given him the noblest example. Not content with expending on the poor of Rome the immense fortune which she had left him, he created at Ostia the foundation mentioned above. St. Jerome, writing to him, said: “I learn that you have planted an offshoot of the hospitable oak of Abraham upon the shores of Ausonia. Like Æneas, you encamp on the banks of the Tiber, and build a Bethlehem upon those shores long since made desolate by famine. Paulina has given us, by her death, the children whom in her lifetime she so ardently desired.” And then he bursts out into this impassioned apostrophe to the dead, whose wealth carried balm and gladness and salvation to such multitudes of poor, especially of the destitute and imperilled children: “Rejoice, O Paulina! leap for joy, O sterile one! since thou hast brought forth as many children as there are poor at Rome!” with much more to the same effect.

The monasteries, so long as they remained true to their original purpose, were places of refuge and education for orphan and neglected children. St. Chrysostom extols the services which they rendered in this respect. Basil strongly recommends functions so honorable, prescribed by the Saviour himself to his followers. He advises that poor children of every age should be



received; that they should be trained to a life of virtue and religion; that the histories and maxims of the Scriptures should be taught to them; that a director, at once mild and firm, humane and prudent, should watch over their habits and form them to moral rectitude; and finally that, while still remaining under the care and supervision of their protectors, they should frequent the shops of workmen skilful in those mechanic arts and professions for which they showed an aptness. Have we not here, in all its essential features, the industrial school of our day? The Benedictines of Mount Cassino rendered the same service to the destitute and dependent children of Italy.

The Emperor Constantine himself began this work of child-saving after his conversion from Paganism to Christianity. He forbade, under the severest penalties, the kidnapping of free children and reducing them to slavery,—a crime much practised among the old Romans. He declared himself the patron of orphans and other defenceless children, so imperfectly protected—one might almost say actually outraged—by the ancient Roman law. Numerous decrees were issued by him, with the intention of assuring to them a paternal and protecting tutelage.

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#### CHAPTER XXXV.—SUPREME IMPORTANCE OF THIS WORK.

THE question has been much discussed, Who began in modern times the work of child-saving through preventive and reformatory institutions, and thereby sought to stop the streams of crime by drying up their fountain-head? Germany claims precedence; England claims it; the United States claims it; possibly other countries claim it. It would perhaps be difficult either to prove or disprove such a claim, for the reason that in the general progress of humanity inventions and discoveries, improvements of every kind, are approached from different points at the same time,—are often, in fact, suggested by different persons, often even in different countries. The discovery of the differential calculus, as to its author, is still a question in dispute. Who can tell whether in the twilight of the seventeenth century the spirit of the age first whispered the secret into the ear of Newton or of Leibnitz, or, more probably, into that of each at the same time?

But whoever began this movement, and in whatever country it had its origin, it is one of the most important, most hopeful, most blessed in all the annals of human progress. It is true,—profoundly, terribly true,—what Dr. Channing said, in 1841, in a

discourse on the life and character of that eminent city missionary of Boston, Joseph Tuckerman. "Society," he declared, "has hitherto employed its energy chiefly to punish crime. It is infinitely more important to prevent it. And this I say, not for the sake of those alone on whom the criminal preys. I do not think only or chiefly of those who suffer from crime. I plead also, and plead more, for those who perpetrate it. In moments of clear, calm thought I feel more for the wrong-doer than for him who is wronged. In a case of theft, incomparably the most wretched man is he who steals, not he who is robbed. The innocent are not *undone* by the acts of violence or fraud which they suffer. They are innocent, though injured. They do not bear the brand of infamous crime, — and no language can express the import of this distinction. What I want is, not merely that society shall protect itself against crime, but that it shall do all that it can to preserve its exposed members from crime, and so to do for the sake of those members as for its own. It ought not to breed monsters in its own bosom. If it will not use its prosperity to save the ignorant and the poor from the blackest vice, then it must suffer, and deserves to suffer, from crime. If the child be left to grow up in utter ignorance of duty, of its Maker, of its relations to society, and to grow up in an atmosphere of profaneness and intemperance and in the practice of falsehood and fraud, let not the community complain of its crime. It has quietly looked on and seen him, year after year, arming himself against its order and peace; and who is most to blame when at last he deals the guilty blow? A moral care over the tempted and ignorant portion of the State is a primary duty of society."

The stinging British satire of "Ginx's Baby," published only a few years ago, is in the same spirit with the above, but it bristles with more and sharper points. "Your dirtiest British youngster," says this caustic satirist, "is hedged around with principles of inviolable liberty and rights of *habeas corpus*. You let his father and mother, or any one else who will, save you the trouble of looking after him, and mould him in his years of tenderness as they please. If they happen to leave him a walking invalid, you take him into the poor-house; if they bring him up a thief, you whip him, or keep him at high cost at Millbank or Dartmoor; if his passions, never controlled, break out into murder, you hang him, — unless his crime has been so atrocious as to attract the benevolent interest of the home-secretary; if he commit suicide, you hold a coroner's inquest, which costs money; and however he dies, you give him a deal coffin and bury him. Yet I may prove to you that this being whom you treat like a dog at a fair never had a day's, no, nor an hour's, contact with goodness, purity, truth, or even human kindness, — never had an opportunity of learning any thing better. What right have you, then, to hunt

him like a wild beast, and kick him, and whip him, and fetter him, and hang him, by expensive and complicated machinery, when you have done nothing to teach him any of the duties of a citizen?" The writer answers the natural response to his question, that there are endless means provided for improving the lad, — industrial schools, reformatories, asylums, and the like, — by saying, "They do not reach one in ten of them." And he continues: "I do not say that it can be done; but in order to transform the next generation, what we should aim at is to provide substitutes for bad homes, evil training, unhealthy air and food, stagnation, and terrible ignorance, in happier scenes, better teaching, proper conditions of physical life, sane amusements, and a higher cultivation. But who is to pay for all this? The State, which means society, the whole of which, to its last member, is directly interested. I tell you that a million of children are crying to us to set them free from the despotism of ignorance and crime protected by law."

And if a million in Great Britain, how many millions in all Christendom! The mind is staggered and overwhelmed by the thought. Every movement for the relief of society from its fearful burdens of vice and criminality has forced upon thoughtful minds the conviction that the only solution of the problem is to be found in the application of radical remedies in the period of childhood. While prisons and criminal-laws and prison discipline call loudly for reforms, and appeal strongly to benevolent hearts and wise heads, the best reform that can be secured in reference to penitentiaries is to deplete them of their inmates by saving the young from vicious and criminal courses. The real problem is not so much to improve prisons as to abolish them, — not so much to make them better as to make them useless.

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#### CHAPTER XXXVI. — CHILD-SAVING WORK IN GERMANY.

THE earliest movement in behalf of destitute, neglected, and exposed children in Germany was made at the close of the seventeenth century (1695) by August Hermann Francke, in the city of Halle. It was opened on the "goodly capital" of three and a half dollars, and on receiving it he exclaimed, "With this I must do a great work." And he did it. He founded a school for the poor, and through benefactions made without solicitation was enabled finally to pile up the largest, highest, and most imposing series of buildings in Halle. There he gathered and instructed in trades and the highest branches of learning thou-



sands of orphans and street beggars ; and tens of thousands have received the same advantages since he went to his reward. The establishment still remains, a quarter of a mile in length and six stories high, built around an oblong court-yard. Five hundred children are still gathered within its walls, while numerous other industrial and charitable associations find shelter under its many roofs.

More than a hundred years later, John Falk, the son of a wig-maker of Dantzic, — himself so poor in his youth that he could never forget the pangs of hunger he suffered then, — became a resident of Weimar, where, about the year 1820, he organized a society called the "Friends in Need," and began to carry into effect his original purpose of simply finding homes in families ("the boarding-out system"), — preferably in the country, — for the vagrant children who sought his protection. He soon became convinced that it was necessary to give some preliminary training to the vicious children whom he sought to rescue from ruin. Therefore, in 1823 he laid the foundation of the building which still stands, — the worthiest monument that could be reared to his memory.

It was on the first day of November, 1833, that Dr. John Henry Wichern, aided by his mother (he was not then married), founded the *Rauhe Haus* at Horn, near Hamburg, for the reception and treatment (for their salvation) of poor and exposed children. At a public meeting in Hamburg, held a short time prior to its opening, it is thus that the Syndic Sieveking developed the intended character of the new establishment: "The children's institution," he said, "was not to be a work-house, nor an orphanage, nor a place of punishment, nor a house of correction ; but an institution that allied itself to the family, to the gospel, to the forgiveness of sins, to the first and last thought, — that is, to the essential nature and work of Christianity." This idea has been faithfully adhered to throughout, and is as prominent and living to-day as at the beginning. The fundamental idea of the *Rauhe Haus* is that of the family ; and it is the mother of all those child-saving institutions, of which the number is continually increasing, that have since been organized on the family plan. Not through the aggregation of the barrack (such was Wichern's thought), but only through a society agreeable to nature, — that is, the family, — can the life of the individual be normally developed. The realization of this idea is what he had in view in founding his institution at Horn. He opened the establishment, on the day and year before mentioned, in *Rauhe's Haus* (so called from the original proprietor and occupant) with three boys, and soon gathered nine more, making a family of twelve altogether in the little cottage. Over this household he and his mother exercised the authority of parents, while they felt



towards its members all the affection of parents. When the institution increased, and the space became too narrow for the growing band of children, Wichern still desired to preserve the character of the family and of individual life and care in the freshness of its original strength. He did not therefore enlarge the house already in use, but built a second for the second circle of boys; and, as petitions for admission pressed, he took immediate steps for the erection of still other family houses. But it is useless to go on with this account, for the Rauhe Haus has a world-wide reputation, and its history is known by heart by all who take an interest in these questions.

It is enough to add, that, following in the footprints of Francke and Falk and Wichern, and continually acknowledging indebtedness to them, the German-speaking people of Europe have established many hundreds of child-saving institutions, which have within their custody an estimated average of twelve to fifteen thousand inmates.

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#### CHAPTER XXXVII.—CHILD-SAVING WORK IN ENGLAND.

WHEN we turn to England, we must be struck anew with the truth of a suggestion thrown out a little while ago, that it is not always easy to trace the absolute beginning of any good work, since the citizens of London, as far back as 1552, petitioned "the king to give them the palace of Bridewell to lodge the poor and to *breed up children in industrious habits*;" which the reader will note was a century and a half prior to the commencement of Francke's child-saving work in Germany. Howard himself, amid his busy study of prison abominations and prison reform, wrote and toiled to establish a better method, or rather perhaps to find some method, of treatment for exposed and delinquent children, whereby the perils surrounding the former might be successfully averted and the criminal proclivities of the latter extirpated, so that both classes might be saved to a life of honest industry. "Boys," he said, "confined for correction, should always be separated from other prisoners, and indeed from one another. A kind and tender monitor should often see them, and, without tiring their attention, converse with them as a friend or parent." Nor were his efforts in this direction wholly without effect. Inoculated with his doctrine, a number of Christian gentlemen in 1788, three years before his death, founded the Philanthropic Society of London, of which no doubt he was himself a member. They had been struck by the growing numbers of vicious and vagrant children who infested the metropolis and its

outlying districts, and who not only lived, but were trained to live, by begging and pilfering. Beginning with a single child, the Society gradually increased its numbers and accommodations, till in the second year of its existence its work had assumed quite an organized form, and had shown a vitality and a wisdom which were at once a prophecy and a pledge of excellent fruit. Even in that early day, it adopted the family system as the basis of its institutional life, and agriculture as the chief occupation of its wards, whom it lodged in three small and rough cottages, thus avoiding that excessive ornamentation which has unfortunately become so common of late in buildings devoted to charitable and even penal purposes. It was, as one readily sees, in this respect an anticipation of the *Rauhe Haus* at Horn, and of the *Colonie Agricole Pénitentielle* of Mettray, in France. It distributed the children into families of twelve in its modest dwellings, placing at the head of the whole group a general superintendent, and in the three families severally a gardener, a tailor, and a shoemaker, with their wives. It sought in this way to realize to the youthful objects of its charity the happiness and benefits of a home. No better organization to this end can be shown to-day. One rubs his eyes in astonishment as he reads the earlier reports of the Society, — those, for example, issued in 1788 and 1789, — and can scarcely resist a suspicion that the date is wrong by half a century. The latter of these reports declares: "Agriculture is the grand source to which the Society looks for employment for its wards. Agriculture means natural life, and is the primary spring of health and happiness. The design is to approach as nearly as possible to common life, and as the wards are forming for the humble station of laborers, it is thought an important care not to accustom them to conveniences and indulgences of which afterwards they might severely feel the want." This last remark shows a degree of common sense by no means too "common" in our day. In 1806 the Society was incorporated by act of parliament, and the asylum reorganized. In its later form it was a triple institution. One department was a prison school for young convicts; another a manufactory for the employment of destitute boys; and the third a training school for pauper girls.

It would be unpardonable to omit from this sketch at least a brief mention of the labors in behalf of juveniles of the "Society for the Improvement of Prison Discipline and for the Reformation of Juvenile Offenders" instituted in London in 1815. The Association, in what it did in this important branch of its work, proceeded upon the just idea that "youth nurtured in guilt would never become in manhood respectable members of society," and that, "if no means for either correction or prevention were employed, crimes of the worst growth could scarcely ever be eradicated." Its first effort was directed to find out the extent and

character of juvenile delinquency in London. To this end, beginning its operations the first year of its existence, it formed itself into a number of subdivisions. These visited the prisons of London and its neighborhood ; inspected the calendars for trial ; pursued their inquiries among the boys themselves, their parents, friends, and associates ; and investigated the police offices, with their examinations and commitments. The result of the investigation formed a sad testimony to juvenile depravity and crime, showing it to be not only of great extent, but constantly and rapidly increasing. Crimes of the worst description were committed by boys ; and, what was worse, their commission was organized into a system and stimulated by rewards. The Society reached the conclusion that not less than eight thousand boys in the metropolis gained their living by depredations on the public, and it found that a large proportion of them were constantly passing through the prisons, ripening into atrocious offenders, and on their release industriously spreading the knowledge and practice of crime.

The Society next sought out the causes of this enormous amount of juvenile criminality. These it found to be : homelessness ; parental neglect ; abnormal family relations ; want of mental, moral, and religious education ; want of employment and dislike of work ; destitution ; the corrupting influence of prisons, from want of classification and consequent defective discipline ; flash-houses of drink, debauchery, and all manner of wickedness ; and the fairs in and about London, which in seven months of the year afforded eighty-two days of license and idleness, where temptation seduced young lads into thefts, for which their subsequent commitment to prison sealed their ruin.

The crowning work of the Society, which was also the most difficult, was to devise and apply a cure to this great and sore evil.

To this end, —

1. The Society established a temporary refuge or asylum for young delinquents, who were willing to abandon their vicious pursuits and learn the way to earn an honest living. The success it met with in reforming a considerable number of youthful criminals was highly satisfactory. It was, however, hampered in this part of its work by the state of its exchequer. But what was still more encouraging was that its example extended itself into the other principal towns of the United Kingdom, and even into foreign countries, where precious fruit was gathered from the seed thus sown.

2. The Society sought to promote, and did promote, practical improvements in the construction, classification, and discipline of prisons ; and more especially by the establishment of juvenile schools in them, whereby the lack of early instruction, — moral, literary, and religious, — was largely supplied.



3. What the Society had most at heart in this department of its work, and what it labored most earnestly to secure, was the establishment of a reformatory prison designed expressly for the treatment and reformation of youthful transgressors. It formed a plan for such a reformatory, which was believed to combine the most important requisites for the complete classification, inspection, and treatment of six hundred boys. Each class was to have a distinct dining-room, school-room, workshop, play-ground, etc., and each inmate was to have a separate sleeping-room. In this the Society failed; but it is not unlikely that its labors, put forth in this direction, contributed something towards the subsequent creation of the juvenile prison at Parkhurst, in the Isle of Wight.

In 1817 the magistrates of Warwickshire established at Shelton-on-Dunsmore, near Birmingham, an asylum for the reformation of juvenile offenders. The boys were employed chiefly in shoe-making, but did also some farm work. The establishment continued to do a quiet but useful work till 1853, when Mr. Powell, its manager and master-spirit, who had given to it all the best energies of his life during a period of thirty-six years, died, and the work was broken up. It had been, in some respects and those not unimportant, the forerunner and prototype of the reformatory schools of England.

A little later (1830) Captain Edward Pelham Brenton, a retired officer of the royal navy, in conjunction with a modest association known as the "Children's Friend Society," opened on a small scale an industrial school for boy-vagrants at Hackneywicke, London. Miss Murray, first maid-of-honor to Queen Victoria, well known in America through her travels there, heard of the institution, and at once made herself acquainted with its objects and its work. Her heart and her head were instantly won. She joined the enterprise, thereby bringing to its aid not only a sound judgment and a noble energy, but also, what was no less needful, a large connection among the wealthy and the influential, whom she was able to interest in its success. She herself established a girls' school on the same plan at Chiswick, under the title of the Victoria Asylum. It is an interesting fact that the first institution to which the present Queen of England gave her name and support was a reformatory for girls, and no less interesting that the first act of parliament which gave the sanction of law to the work of juvenile reformation was passed in the second year of her reign, and so was among the earliest that received her royal signature.

Brenton's school now began to grow and thrive, but he never departed from the stern simplicity with which he commenced. He continued on conviction what he began from necessity. His dormitories were as rough as could well be conceived. He

bought a quantity of brick from old houses that were being pulled down, and taught the boys to use them in building a long, rough shed filled (sailor-like) with three rows of hammocks slung one over the other; and when told, as he often was, that the boys ought to have more space, his uniform reply was, "They have more room than the gallant fellows in her Majesty's navy." Captain Brenton had predecessors, as we have seen; but he was beyond question the first man in England who shed a clear light on the dark problem of juvenile crime, and who showed how to deal successfully with its unhappy victims. It might be too much to say that he solved the problem of juvenile delinquency for that country; yet it may be safely asserted that no man before his time did so much toward the solution of that question, or had such singularly clear and practical views on the evil and its remedy. No child, he was accustomed to say, should be committed to the common prisons of the land, but should be educated and trained chiefly by the Bible, and taught to labor chiefly with the spade. Religious and elementary instruction, moral training, agricultural employment, and removal to new scenes and purer influences were the leading ideas in his plan of treatment. Has any thing better been discovered, or is there likely to be?

About these days a still bolder philanthropist — one Henry Wilson — created and managed, single-handed, a school of industry for young thieves at Woolwich; with what success I am unable to say.

A parliamentary committee, created in 1835, had gathered a mass of evidence in these several reformatory institutions for young criminals, and on it had founded a recommendation for making reformatories an integral part of the prison system of England. The result was the founding of the government reformatory for boys at Parkhurst, in the Isle of Wight, by which it was hoped that the problem of a right treatment of juvenile transgressors would be satisfactorily solved. This establishment, organized in 1838, was at once a prison school, a manufactory, and a farm. The young offender began his term as a solitary prisoner, and gradually developed into an artisan or a farmer. Some good work was done there, but it is many years since the establishment ceased to be used as a reformatory, since which time it has served as a place of confinement for invalid convicts.

I will not proceed further in this early history of preventive and reformatory work in England. It was about the middle of the present century when the general movement in this direction was begun, which has resulted in that magnificent system of reformatory and industrial schools which, in my opinion, make England the leader and model of the world in this truly godlike work. The whole number of these establishments, certified and not certified, cannot be less than three hundred, and probably ex-

ceeds that number. This great body of institutions, all created in the interest of crime-prevention by saving neglected and exposed children from a criminal career, forms one of the truest and noblest glories of that island empire, and under their ubiquitous and potent influence crime has for many years been slowly but surely diminishing within the United Kingdom.

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#### CHAPTER XXXVIII. — CHILD-SAVING WORK IN THE UNITED STATES.

THE earliest of the reformatory institutions in the United States was the House of Refuge, in the city of New York. In 1818 an "Association for the Prevention of Pauperism" was formed in that metropolis by such men as John Griscom, Thomas Eddy, Hugh Maxwell, James W. Gerard, and others like minded with them. They had not gone far in their investigations before they were convinced that little could be accomplished in the field on which they had entered, except through the agency of vigorous preventive measures. They therefore organized themselves into a "Society for the Reformation of Juvenile Delinquents," which at once addressed itself to the establishment of a House of Refuge. On the first day of January, 1825, on what is now Madison Square, near the spot on which stands the elegant Fifth Avenue Hotel, in a building which was erected as a barrack for soldiers, the institution was opened with appropriate services. Nine squalid children just gathered from the streets were present, and formed the nucleus of the new establishment. More than fifteen thousand children, it is estimated, have been inmates of the refuge from its establishment to the present time, of whom far the larger portion have been saved to virtue and honor.

For a quarter of a century few similar establishments were opened in America. Boston followed in 1826, and Philadelphia in 1828. In 1835 a farm-school was opened for orphans and poor children on Thompson's Island in the harbor of Boston. The State reform-school was established at Westborough, Massachusetts, in 1847, and eight years subsequently (1855) the first girls' reformatory was founded at Lancaster in the same State. This was organized, after long correspondence and study, on the family plan, breaking up the institution into three separate houses of thirty girls each, with their three matrons, — all united under the general supervision of a male superintendent. Additional houses have been added since, and the whole establishment



now forms a charming village, with its neat homes, its white-spired church, and its merry children sporting on the well-cut lawns.

The New York and Boston institutions, in the earlier years of their history, attracted much attention at home and abroad, and were visited by numbers of persons as well from Europe as from America. They were both peculiarly fortunate in their superintendents, who were scholarly men, of great personal magnetism, drawing their young families to themselves by an almost irresistible force, and greatly impressing their visitors by their reformatory power over the rude and vicious children committed to their care.

A strong impulse was given to the work of child-saving in the United States by two conventions of the managers and superintendents of reformatory institutions, held in the city of New York in 1857 and 1859.

Institutions of a more strictly preventive character — industrial schools and homes for neglected children — have greatly multiplied within the last quarter of a century in all the great centres of population, in the northern, eastern, and western States. Of associations, directing their labors to this particular department of child-saving work, the two largest, most active, and most successful are the Children's Aid Society and Female Guardian Society, both in the city of New York, and having under their care between thirty and forty industrial schools, besides divers other branches of the same general work. Reform schools, also, have largely increased in number within the last twenty years, those of more recent origin having been generally organized on some modification of the family idea. Upon the whole, while there is still much to be desired both in the preventive and the reformatory work so far as they are to be distinguished, this work may be said to be in a prosperous way among us; and not tens but hundreds of thousands of young persons have been saved from crime and ruin through its agency, direct and indirect.

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#### CHAPTER XXXIX.—CHILD-SAVING WORK IN FRANCE.

FRANCE has made great progress in child-saving work, and is still pushing her efforts and her victories on that line with intelligence, zeal, and vigor. Her doctrine under this head may be stated thus: That every nation has a profound interest in the good education of its members; that it is both the right and the duty of the State to enforce this principle with respect to

all its children; that neither the misfortune nor the fault of parents ought to shut the door of the school against their offspring; that this right and this duty are above all imperative where the citizens are admitted, through universal suffrage, to participate in public affairs; that the child badly brought up must become a trouble to society, since the idler and the vagrant soon pass into the criminal; that if the State ignores its rights or neglects its duty towards these children, it cannot in fairness hold them to a strict account for their criminal acts; that as we do not wait till a plant is well grown to water it, but begin our care before it appears above the surface, so the soul, from the moment it begins its existence, demands an active and an enlightened solicitude; and that to aid parents, or when necessary to replace them, in the accomplishment of their obligations is an imperative duty of the nation.

Whenever, speaking of France, reference is made to this department of the work, — I will not say merely or mainly of the philanthropist, but rather and chiefly of the patriot and the statesman, — the *Colonie Pénitentiaire Agricole* of Mettray instantly rises to the thought of every one. To describe Mettray in detail, — its organization, workings, and results, — and to speak in worthy terms of its illustrious, its superb founder, Auguste Demetz, would require a volume instead of a paragraph. Happily the character, history, and work of both are so well known wherever neglected and imperilled childhood is an object of interest, that the simple mention of their names is enough; the rest rises unbidden to the memory. Ninety-five per cent of all the *colons* received and treated at Mettray during its entire forty years of life have been saved to themselves and to society. Such a fact needs no comment, and would hardly admit it without lessening its sublimity and its force.

The whole number of establishments in France founded substantially on the model of Mettray — though scarcely any of them equalling it, either in the completeness of its organization or the splendor of its results — is fifty-two, of which thirty-two are for boys and twenty for girls. They are of varied character, and of course yield fruits differing both in excellence and abundance; but all are doing a good and useful work.

However, if I should stop here my task would lack half its completeness, if not more. Nearly all of the children entrusted to the establishments named above have committed criminal acts, have been acquitted of crime as having acted without knowledge, and been sent to houses of correctional education instead of prisons. But a vast and busy work of prevention in behalf of children not criminal even in form, but only in danger of becoming so, has long been and is now going forward in France. Strenuous efforts are made to enlarge and intensify this work, as well through the action

of private citizens as through that of the Government. Legion is the name of the associations and agencies employed in this work, — including adoption, maternal societies, infant nurseries, infant schools, kindergarten schools, industrial schools, societies in aid of apprentices, apprentice schools, legislative safe-guards thrown around children employed in factories, etc. It would be impossible in this preliminary book to enter at all into detail in explanation of these numerous organizations and their work. Instead, I will give a bit of history connected with one of them which I have had the pleasure personally to inspect and examine.

There is, No. 70 Rue de Reilly, in the faubourg St. Antoine, a communal school for girls. In 1862 it was, as it still is, numerously attended. One day there appeared at its gate five or six young boys, ragged and dirty. They rang the bell, and asked to see the directress. They were conducted into her presence, when the following dialogue took place:—

"We come to ask if you will teach us to read."

"But it is not here you should come; our school is for girls. Go to the brothers."

"The brothers sent us from their door, because, they said, we were blackguards."

"And you come to us?"

"Yes, because it is not altogether our fault that we are as you see us. We work in the wall-paper factories; we have never been taught any thing: but we are no worse than the others, and we want to learn."

"We can't take you with the girls."

"We can only come in the evening, after our day's work; the girls will be gone when we come."

"But it is impossible to admit you into premises reserved exclusively for girls, and we have no other hall."

"Put us where you like; we don't want benches or tables. We will sit on the ground, in the corridor, or wherever you please; but give us some lessons."

The directress could make no further answer, and that evening the boys took their first lesson.

Such was the beginning: what has been the issue? Since 1863 the sisters have received and taught nightly from three hundred to four hundred scholars. They go there, in the first instance, to be prepared for their first communion, which takes place at the age of ten years. Afterwards, they continue their attendance to manhood, commonly indeed till their marriage. The school is held daily from 7 to 9 P. M. There is scarcely a week of vacation during the year. The instruction includes reading, spelling, writing, arithmetic, geography, grammar, history, natural history, geometry, music, drawing, etc. But it is not simply a scholastic instruction, more or less complete, which is given to these resolute



youths ; rather it is sought by a solid education, moral as well as mental, to make them honest men and good citizens. And that end is largely accomplished. They become lay missionaries, who carry with them the good word everywhere,—into the workshop, the street, the household. Parents, friends, comrades, have been won to goodness and virtue by their lessons and their example. All this because, after having bent the whole day over the work that earns for them honest bread, they have each night known how to lift themselves up and stand erect, by the labor of the mind and the heart.

Who, after this recital, will say that the French are a frivolous people? They who so say, or so think, do not know the French character. The French are mercurial, light-hearted, gay ; but they are as resolute and tenacious as other peoples who are more sedate and sombre. A long face is not necessary to a serious purpose or a steadfast pursuit.

#### CHAPTER XL.—CHILD-SAVING WORK IN OTHER COUNTRIES.

THE number of reformatory institutions in the little Swiss Republic approaches, I think, a hundred. A few of these have been founded by the cantons ; the rest by charitable individuals, by societies of public utility, or by religious and philanthropic associations. The average aggregate number of inmates must be something like three thousand, of whom rather more than a third are girls. I was able to visit personally but one of these establishments,—an agricultural colony near Berne, conducted on the family plan, with twelve boys in each household. It appeared to be well kept in all respects. The appearance and general tone of the inmates were excellent ; the results are reported as good, few of the boys returning to crime.

Belgium has four principal institutions for juveniles ; namely, two for criminal youths, and two for young vagrants and children viciously inclined. They are excellent of their kind, and the results satisfactory.

Holland boasts one of the model reformatories of Europe, founded some twenty-five years ago under the name of the Netherlands Mettray, mainly through the exertions of Mr. William H. Suringar, of Amsterdam. It is an agricultural colony for the treatment of vagrant and vicious boys, being a close imitation of the French Mettray. It is conducted strictly on the family principle. There are ten houses, each capable of accommodating fifteen boys. The success here is extraordinary,

not more than two per cent, according to the best evidence, ever becoming criminals.

The number of reformatory institutions for juveniles in Italy is thirty-seven, of which four are houses of correction for young convicts who are still in their minority, and thirty-three for idlers, vagrants, and youths admitted by paternal request for correction. Of this second class twenty-three are for the treatment of boys, and ten for that of girls. They are entirely private in their character, having been instituted either by individual benevolence or charitable associations. They are of an educational rather than a punitive character, their discipline not being so severe as that of the prisons. Government makes use of them also as a reward, a kind of intermediate establishment, as in the Crofton system, gathering into them those minors who, having been overtaken by penal law, have shown an exemplary behavior during their incarceration.

There are three reformatory institutions in Denmark on the model of Mettray, all founded by private benevolence and under private management, yet receiving pecuniary aid from the State. As regards education and training, it is sought to approximate family life as much as possible in the treatment of the inmates. The results have been satisfactory. One of these establishments — that of Flakkebjerg — has for many years displayed great activity and won a signal success under the superintendence of Mr. Moller, a gentleman of the highest ability, whose merits have been recognized both by the Government and the people.

Sweden and Norway are both entering with zeal and energy upon the organization of systems of preventive and reformatory institutions; but the work, though full of promise and sure of large ultimate success, is still in its infancy in those countries, and specific results cannot yet be reported. The same may be said of Russia, Finland, Poland, Austria, Hungary, the semi-autonomous governments still farther east, and many of the dependencies of Great Britain in every part of the world; while Canada, our immediate neighbor on the north, is well advanced in the work, and has gathered many laurels on this field.

On a survey of the whole field thus rapidly traced, we can but exclaim, How vast, how noble, how sublime, and best and most inspiring of all, how pre-eminently hopeful is this work! This is the true "land of promise" in which to labor for the diminution and the extinction of crime. And if charity and patriotism, philanthropy and statesmanship, will but enter and possess the land, the prison itself shall one day become little more than a thing of the past; and the world will wonder at the blindness and folly which delayed through weary ages "a consummation devoutly to be wished."





## Book Second.

### THE UNITED STATES.

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#### PART FIRST.

##### UNITED STATES IN GENERAL.

##### CHAPTER I.—SPECIAL RELATION OF THE UNITED STATES GOVERNMENT TO PRISON WORK.

THE United States differs from most other civilized countries, whether in Europe or elsewhere, in this, that as a nation it is composed of a large number of individual States, possessing each a subordinate and limited sovereignty. Consequently the functions of administration are divided, — sometimes dubiously, more commonly sharply, — between the national government and the State governments. Legislation is similarly divided between these two powers, or rather classes of powers. Thus, questions of war and peace, of the army and navy, of commerce, impost duties, the mails, and many other branches of legislation and administration belong exclusively to the jurisdiction of the national government. Questions of education and public punishment belong mainly to the States, — mainly, but not exclusively. The national government has, in repeated instances, made grants of the public lands in aid of popular education. It has its own military and naval academies. It might unquestionably, if it saw fit, found and maintain a national university for purposes of general education. In like manner it has criminal laws and courts and prisoners of its own, — these latter having broken its laws and been convicted and sentenced by its courts in contradistinction from prisoners who have violated State laws and have been arraigned, tried, and condemned by State courts. Still it remains true that the interests of education and of public morality and social order are confided largely, — almost wholly, indeed, — to the States.

I have said that the national government has its own criminal laws, its own courts with criminal jurisdiction, and its convicts sentenced to punishment under those laws and by those tribunals.

It ought to follow, — it would naturally follow, — that it should have its own prisons ; but it has not. It is compelled to sentence its prisoners for punishment to the penitentiaries of the States in which they happen to have had their trial ; at least such is the general practice. It has no control, no voice, no influence over the discipline of the prisons to which they have been committed. That discipline may be cruelly severe or unwisely lenient ; it may make its subjects worse instead of better ; it may send them out more depraved and hardened than when they entered, and more certain to continue their evil courses. But the Government has not a word to say ; it cannot lift a finger ; it cannot exert a single counteracting force ; it can only sit silent and let the work of corruption go on.

The origin of this anomaly — for it is an anomaly, and a very grave one — may be easily explained. It had its root in necessity. When the Colonies separated from the mother country and became an independent nation, the population was small and scattered, distances were great, transportation was difficult, tedious, and costly, and United States prisoners few, — not enough, probably, in the whole country to fill a moderate-sized penitentiary. So that it was quite out of the question to have national prisons then ; and the imprisonment of United States prisoners in State institutions was compulsory.

But the case is different now. The number of United States prisoners is sufficient to fill three or four penitentiaries as large as would be desirable for the best treatment ; population is dense, and transportation rapid, cheap, and easy. The question is, Is it wise to continue the old plan ? Is it right ? Is it good statesmanship ? Has the national government no responsibility in regard to these men whom it has convicted of crime ? Is their salvation a matter in which it has no concern, no interest, no duty ? Is it not bound, in honor and conscience, to try to reform them and send them back to society regenerated in purpose and in life, with the will and the power to eat bread earned by honest toil ? If it has any duty in reference to these men, can the obligation be discharged by sending them it knows not whither ; by committing them to it knows not whom ; by subjecting them to a treatment which it has no power to control, and to influences in regard to which it does not even know whether they are good or bad, salutary or pernicious, and likely to save or to destroy ?

My own opinion is that a change may be, ought to be, and must be made. At present United States convicts are treated in some prisons with undue severity ; in others with undue lenity, — both extremes being equally opposed to the true ends of prison discipline ; while in all, though their reformation may not be wholly ignored, there is a lack of the best and wisest means to that end. The logic of such a state of things is the creation of

United States prisons for United States prisoners. The argument for this policy rests on the double ground of duty and interest.

I look upon it as the duty of the Government to care for its own convicts, because, having a responsibility in relation to them that can be met only by honest efforts to change their character and life, it cannot properly transfer that responsibility to another power (the States), over whose action it has, *quoad hoc*, no control. Such responsibility must, of necessity, attach itself directly to the power which punishes, and cannot rightfully be passed over to another in respect to which it is itself an alien.

I look upon it as the interest of the Government to have its own penitentiaries, because the large sums now spent upon their keep, — not certainly less and probably more than a quarter of a million dollars annually, — might thus all be saved. Let me adduce one or two facts to show that this is not an extravagant statement. Mr. Z. R. Brockway organized and for ten years managed the Detroit House of Correction. With an average population of four hundred prisoners and an average imprisonment of one hundred days, the prison labor paid all expenses and netted an aggregate profit of more than one hundred thousand dollars. With an average prison population of three hundred and fifty and an average detention of sixty-eight days, the Allegheny County house of correction, in Pennsylvania, in 1873, under Mr. Henry Cordier, paid its expenses, including salaries of officials, and earned a clear profit of fourteen thousand dollars. And the same institution, in 1878, with an average of five hundred and thirty-seven inmates, under Mr. J. L. Kennedy, paid its way as before, and cleared as net profits the sum of twenty thousand dollars in cash. The late General Pilsbury, in some forty years' service as head of two different prisons, not only made them self-supporting, but so managed the labor as to aggregate more than three hundred thousand dollars of net gain. General Pilsbury's son, Mr. L. D. Pilsbury, Superintendent of Prisons in the State of New York, so changed the balance-sheet of Sing-Sing Prison in less than two years of his administration that, from a previous annual deficiency running up into hundreds of thousands, last year (1878) it showed a net profit of nearly fifty thousand dollars. And to-day, Auburn Prison, from being largely deficient heretofore, is earning a profit at the rate of more than twenty thousand dollars a year. Nor are these isolated examples of financial success in the management of American prisons. Something like twenty of the larger prisons of the United States, including State-prisons and houses of correction, are while I write more than paying their way, — salaries of officers as well as the keep and clothing of the prisoners included. But I must not be understood from these statements as favoring any sacrifice of moral to pecuniary results in prison



management. Still I am thoroughly convinced that, other things being equal, those prisons will be most reformatory where the labor is most productive.

How, indeed, could it well be otherwise? For, when prisoners see that they earn their own living in prison, what more natural than that they should infer their ability to support themselves by their own labor outside? As confirmatory of this, let me cite a little anecdote related in one of his annual reports, by Mr. Tallack, Secretary of the Howard Association in London. A prisoner in Coldbath Fields Prison had served out his time and was about to be discharged. On appearing before the governor of the prison, the latter said to him, "Well, my man, you have paid your keep and earned a handsome sum for the prison since you have been here." "Is that so?" asked the convict. "It is," replied the governor. "Well, then," promptly responded the prisoner, "you will never see me here again."

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## CHAPTER II. — EARLY HISTORY OF CELLULAR AND ASSOCIATED IMPRISONMENT.

IN studying the state of prisons in the United States, it must be remembered, then, that the republic is composed of thirty-eight separate States, with local self-government, and a dozen organized dependencies, called Territories, not yet elevated to the rank of States; that these fifty jurisdictions are, in matters of crime and punishment, independent of each other, and very little, if at all, controlled by the national government; that they vary in age, from Virginia, New York, and Massachusetts — which have been inhabited by the Indo-European races for more than two centuries and a half — to the new territories of Dakota and Montana, which ten years ago were occupied only by roving savage tribes; and that, consequently, almost every variety of social condition prevails in this vast area, larger than half of Europe, and more populous at this moment than any European nation, except Russia.

As a nation, the United States has existed for more than a century, the separation of the colonies from the British empire being coëval with the first improvement of prisons, resulting from the labors of John Howard. Consequently, the prison system of America, like all the modern systems, dates no further back than 1787, when the first organized effort to improve prison discipline in the United States was made by the Pennsylvania "Society for Alleviating the Miseries of Public Prisons," of which Dr. Franklin

was one of the founders. The national government, as now established by the constitution of 1787, dates from the same year; but it has never much concerned itself, as a government, with the prison system of the country, its first step in that direction being the appointment of the author of this book, in 1871, as a commissioner to organize the international prison congress of London. Whatever has been done, therefore, has been the work of the separate States of the Union, and almost wholly within the present century. The oldest penitentiary is probably that just abandoned at Charlestown, near Boston, which was commenced in 1800, began to receive convicts in 1805, and was given up as a State-prison May 20, 1878. Among the county jails there are probably a few older than the date named; but the greater number, both of State and county prisons, have been built since the beginning of the controversy between the advocates of the cellular or Pennsylvania system and the congregate or Auburn system of convict treatment. This controversy, which began in America about sixty years ago, took a concrete and practical form with the opening of the Auburn and Sing-Sing penitentiaries in the State of New York, built on the congregate plan, with separation at night in single cells, and of the two penitentiaries of Pennsylvania, at Philadelphia and at Pittsburg, built on the separate plan, with cellular imprisonment day and night for each convict.

These four prisons, and the remodelled Charlestown prison constructed on the Auburn plan, had all been opened in 1830, and were visited a few years later by the French commissioners, MM. de Beaumont and de Tocqueville. At that period, — forty-six years ago, — and for fifteen or twenty years afterwards, it was an open question in the United States whether the Pennsylvania or Auburn plan of construction and management should be followed; but such is no longer the case. The States, like Rhode Island, New Jersey, Maine, and possibly some others, which had partially adopted the Pennsylvania system, have now all gone over to the Auburn plan; the new States, of which a dozen have been created since 1835, have all adopted the Auburn plan; and even in Pennsylvania, as we have seen, the cellular system has been abandoned in one of the two State penitentiaries, and in many of the county prisons. At the present time, there is but one State-prison managed on the cellular system, — the eastern penitentiary at Philadelphia, — which contained on the 1st of January, 1878, one thousand one hundred and six convicts, out of an estimated total of thirty thousand convicts of the same grade for the whole country. That is to say, less than four per cent of the long-sentenced convicts of the United States are now confined in cellular prisons; the other ninety-six per cent being confined in congregate prisons, managed more or less strictly on the Auburn plan. Of the county, district, and municipal or city prisons, containing persons waiting trial

and convicts sentenced for minor offences, the proportion managed on the cellular system is still smaller. The State of Pennsylvania alone has a few cellular prisons of this grade, and the number of their inmates on the 1st of January, 1878, did not probably exceed one thousand ; while in the rest of Pennsylvania, and in the other States and territories, the number of prisoners of the minor grades, exclusive of juvenile delinquents in reformatories, was probably not far from thirty thousand at that time. This would give a little less than four per cent of the whole number confined in cellular prisons ; and this percentage, say one-thirtieth of all, probably would hold good for the number of prisoners of all grades in the United States confined in cellular prisons, — the estimated whole number in confinement on Jan. 1, 1878, being about sixty thousand. It should be stated here, however, that the current of public opinion, among men who study this question, sets strongly in the direction of cellular separation for prisoners waiting trial, and for those sentenced for short terms.

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### CHAPTER III. — DIFFERENT CLASSES OF PRISONS.

IT is evident, then, that the system of association, as opposed to that of separation, prevails in the United States ; the relative proportion of prisoners under the two systems being as ninety-six to four in every hundred. In regard to the classification of prisons in other respects, the broad distinctions are : State-prisons, houses of correction, county jails, and lock-ups, station houses, or city prisons. States are the federal units of the American Republic, and of these there are thirty-eight ; but the units of each State are the counties, numbering, in the whole country, about two thousand one hundred. In each of these counties there is, or may be, a county jail, and in a few of them there are two, three, or even four. In the thirty-eight States there are forty-five State-prisons. These correspond in general character and design to the convict or central prisons of Europe, and are intended for the treatment of persons convicted of the graver offences. The district prisons, or houses of correction, intermediate between the State and county prisons, and bearing different names in different States, are not numerous. In Massachusetts there is a house of correction, in addition to the jail, in every county, — fourteen in all ; in all the other States, together, the number is not above eighteen or twenty. By an approximate estimate, the average number of inmates in all these establishments will not vary much from eight thousand, and is more likely to be above than be-



low that figure. Their character and functions are substantially the same, wherever found. They are prisons intended for the treatment of persons found guilty of the lighter rather than the graver offences. The county jails are intended mainly for the safe-keeping of prisoners awaiting trial, but they serve also for the punishment of persons convicted of minor offences and sentenced to short terms of detention. The lock-ups are in general petty prisons, in which persons arrested on a charge or suspicion of crime are kept for a night or a few hours — hardly ever exceeding twenty-four, and generally less — until they can be taken before a magistrate for examination. These four classes — city, county, district, and State prisons — include all places for the confinement of criminals and persons charged with crime in the United States, except those for juvenile delinquents.

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CHAPTER IV.—AGGREGATE VALUE OF PROPERTY.—CELLS.—  
OFFICIALS.—SALARIES.—COST AND EARNINGS.—SEXES.—  
FOREIGNERS.

**O**F the forty-five State-prisons in the United States, the aggregate value of real estate is about \$14,000,000; of personal property, \$2,000,000. These sums are partly approximations, but sufficiently correct for practical purposes. They are made up from the estimates of the authorities in charge of the several establishments.

The number of cells and sleeping rooms (reported and estimated) in the State-prisons is nearly seventeen thousand, or some three thousand less than the number of prisoners. But of those apartments which are intended for night occupancy, some are for two persons, others for four; and a few are large rooms that will serve as dormitories for a considerable number. Their average dimensions are eight feet in length, four and a half feet in width, and seven and a quarter feet in height; giving as the average contents of each a fraction more than two hundred and forty cubic feet. The smallest, I think, are those of Sing-Sing, in New York, whose contents in cubic feet are only one hundred and forty-seven; not certainly more than half the size required for health by the laws of hygiene, even under the most favorable circumstances; and those at Sing-Sing are not the most favorable.

The whole number of officers and employés in these forty-five prisons does not vary much either way from fifteen hundred; or one to every thirteen and one-third prisoners. The aggregate

annual salaries paid to them amount to \$1,015,000, making an average annual salary to each of \$677. If this seem but a moderate stipend for the service, it must be remembered that many, or at least some, of the employes get their living in addition to the cash compensation paid them. Yet giving to this consideration all the weight that belongs to it, it must be admitted that the remuneration paid is not sufficient to command the talent and qualifications needed for the service, though perhaps a full equivalent for the capacity actually possessed and the work actually done.

The total annual cost of the State-prisons of the country for ordinary current expenses, including salaries of officials, foots up in the sum of \$3,000,000, or thereabout; being an average for each prison of a little more than \$650,000. This must be considered a very large expenditure, when it is remembered that the interest on the property is not included. The aggregate annual earnings from labor of all these prisons amount to about \$1,500,000, thereby meeting a full moiety of the annual cost. Seventeen of the State-prisons are self-supporting, or very nearly so, from the labor of the inmates, and some of them have a considerable excess of earnings over expenditures. In like manner seven of the correctional prisons, in which misdemeanants are confined with comparatively short sentences, pay their way from the labor of their inmates, some of them even earning a handsome surplus.

In a considerable number of the Southern States what is called the lease system of labor prevails, whereby the prisons are made to pay their way. These prisons are not included in the foregoing statement. This system will be explained further on, and the objections to it set forth.

As regards the sexes, not more than one in six of the State-prison population of the whole United States are women. The proportion varies a good deal in different States, but the above statement is correct as to the average. In the county jails and houses of correction the proportion of women is larger.

The ratio of foreigners to Americans in our State-prisons is out of all proportion to that which exists between the total population of foreign-born and native-born inhabitants. The foreign-born population cannot exceed twelve per cent of the entire population, while it constitutes twenty-five per cent of the prison population, even when we take the whole country into the account. In the eastern, middle, and western States, the proportion of foreign to native-born convicts is much larger, rising in some of them to a full moiety; and if the children of the former are counted in with their parents, the ratio is considerably augmented. This statement is not meant to convey, and does not convey, any reproach to the people of other lands, as if they

were less virtuous or less moral than our own ; for as misery drove multitudes of these immigrants to our own shores, so it drives numbers of them into crime after they get here. In the Southern States a vast majority, probably three-fourths on an average, of all the prisoners are of the African race. But they are often sentenced to State-prison for crimes of a very trivial character, — such as larcenies of almost infinitesimal proportions, even of a couple of fence-rails.

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## CHAPTER V. — VICIOUS ORGANIZATION.

THE national government, as already stated, has no prisons of its own, and of course has nothing to do with prison administration except in the territories, which are under its immediate-jurisdiction. None of the individual States, except Maine and Rhode Island, has any central board or bureau clothed with general powers to govern all its prisons, although within the last ten years a strong tendency has been developed by a portion of them in that direction. In eight or ten of the States bureaus exist, under the name of Boards of Public Charities, charged with the duty of visiting, examining, and inspecting the prisons, but having no authority to regulate their management or appoint their officers. As a general rule, the State manages its State-prisons, the city its municipal prisons, and the county its local prisons. The houses of correction are generally, except in Massachusetts, created by special acts and managed by special boards.

The chief defects of this disorganized condition of prison management spring from a mutual ignorance of the condition and working of prisons that should co-operate with each other ; and one great advantage derived from the meeting of the American prison congresses has been a better acquaintance of prison managers with one another, and a wider knowledge of the prisons in their own and other States. In general, the results of prison discipline depend wholly on the management of each individual prison, and have no reference at all, or a very slight one, to any comprehensive State system ; for none such exists in America.

There are, perhaps, one thousand prisons in the United States large enough to have the word "discipline" applied to their management ; and in these every variety of discipline, lack of discipline, and abuse of discipline is found. In a great many nothing is sought for but the security of the prisoner and the convenience of the prison-keeper ; in many others the discipline is "intended mainly to be deterrent," but through laxity or severity becomes a



stimulus to crime ; in some it is really deterrent, to a greater or less degree, without being reformatory in aim or result ; in a great many the nominal aim is reformation, but the reasonable means thereto are neglected ; in a few, the wise combination of deterrent and reformatory means is attempted, and succeeds in either direction, or in both, according to the skill, opportunity, and perseverance of the prison government. But the majority of prisons in the United States are in fact neither deterrent nor reformatory to any great extent. The deterrent agencies are solitude, silence, coarse fare, and constant labor ; sometimes also severe disciplinary punishments are employed. The reformatory agencies are instruction, literary and religious, industrial training, the encouragement of shortened sentences for good conduct, etc. By some of these means "it is sought to plant hope in the breast of the prisoner and keep it there ;" and to these are added gratuities for work, the visits of philanthropic persons and of the prisoner's own family, and the promise of help in leading an honest life on his discharge. Conditional pardon, which enters so largely into the Irish or Crofton convict system, has little place in ours, the "commutation laws," by which sentences are shortened for good behavior, being almost the only feature of that system much in use among us, and that not very systematically. In several of our best managed prisons, however, the mark system has lately been introduced with good effect ; notably in the State reformatory prison for young men who have been committed for a first offence, at Elmira, New York. This prison is under the direction of one of our ablest prison governors, Mr. Z. R. Brockway, who is a thorough-paced believer in the principle of indeterminate sentences.

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## CHAPTER VI. — PUBLIC OPINION BECOMING MORE ENLIGHTENED.

**N**OTWITHSTANDING what has been said in the preceding chapter, it would be unjust not to admit and impossible not to rejoice in the fact, that within the last ten or fifteen years there has been a change in public opinion, and especially in the sentiments and practice of prison officers, in favor of giving the reformation of criminals a more prominent place in the aim and effort of prison administration and prison discipline. No doubt, taking the whole country together, there are far too many prisons (if there were but one, it would be too many) in which scarcely a thought is given to the moral regeneration of the prisoners. Nevertheless, there is a goodly number in which the

wardens, aided more or less by their subordinates, labor honestly to this end ; and with a degree of success sufficient to stimulate activity, and to hold out the hope of gratifying results when all things shall concur to favor, as nearly all things now concur to hinder, such a work.

But at no one point have the aim and effort here referred to taken on so definite and practical a form as in the State industrial reformatory at Elmira, New York, under the care of Mr. Brockway. This is a felon prison, though not under that name, intended for young criminals between the ages of sixteen and thirty, committed for a first State-prison offence. Within certain limits, and those by no means narrow, the principle of indefinite or reformation sentences is being worked out in that establishment. Every person sentenced to the reformatory may on the one hand be held, if the managers so determine, to the expiration of the maximum term fixed by law for the crime of which he was convicted ; and on the other hand may be released, conditionally or unconditionally, whenever the authorities, believing him in the exercise of their best judgment to have been reformed, shall deem it safe and wise so to do. Thus a person convicted of grand larceny or of burglary in the third degree, ordinarily sentenced for one or two years, may be detained in the State reformatory (which is not even called a prison in the Act creating it) for five years, — or, if his improvement is thought to warrant it, may be released at any time before that ; and the managers have authority to appoint agents in different parts of the State to keep kindly watch over prisoners out on parole, — that is, on ticket-of-leave.

This institution has been in operation two years. Now, what has been its outcome, or rather what is its promise? — for results it can hardly yet have had ; it is too soon to expect them.

Every convict received into the reformatory is charged with nine marks for every month of time for which the court (under the old law) might have sentenced him, less the possible abatement for good conduct he might gain under such sentence. Thus, if he had been sentenced for five years, the possible abatement (seventeen months) would leave him three years and seven months — or forty-three months — to serve. Such a man would be charged under this mark system, therefore, with  $43 \times 9 = 387$  marks ; so that by maintaining perfect conduct (earning thus nine marks per month), he would be released at the same time as though sentenced for the longest term possible under the old law. But the government of the reformatory may release him unconditionally at any time, or grant a parole (ticket-of-leave) instead of a release ; and for this purpose the record of each man is reviewed by the managers every six months, when the prisoners may be encouraged by a gratuitous credit of any number of marks, or in case of misconduct or bad development any amount

of previous credits may be cancelled. Each prisoner has a memorandum book containing a printed explanation of the mark system and of the grades,—also showing the standing of his account on the first of every month, or oftener if he desires it.

The prisoners are divided into three classes. They are separated at night, each prisoner in all the classes sleeping in his own cell; but the necessities of the school and of the industries bring them together during the hours of instruction and labor.

Meagrely furnished rooms, coarse gray clothing, the plainest prison-fare served in the cells, a strict prison-discipline, no correspondence with relatives or friends, liability to confinement in seclusion, and possible transfer to the State-prison, are incidents attached to the third-class prisoners.

Larger and better furnished rooms, better clothing, better food served at common tables, the privilege of school instruction, of attending the lecture course, etc., are the increased advantages accorded to those in the second class.

The first class have an entirely separate part of the reformatory assigned to their occupancy, with a separate dining-hall and improved dietary; they are also allowed freer correspondence with relatives and approved friends and with each other, admission to the reading-rooms, and special opportunities for oral instruction. These men are employed in responsible and sometimes semi-official positions in the institution, and from this class alone are men paroled or released.

The standard of conduct entitling prisoners to promotion from one class to another must not only be satisfactory as relates to good order and the discipline of the reformatory generally, but must also be such as to induce habits opposed to those of the criminal cast of character. Therefore it is made to embrace the general demeanor in its moral, social, and economic features; the industrious habit, viewed either as forced, urged, or voluntarily diligent; the degree of effective results; also the interest shown in books and study, together with the progress in education actually made. Moreover, in finally determining the question of release, the impressions of the officials who are brought constantly into contact with the prisoners are sought, in addition to an examination of the records and the personal observation and investigation by the managers.

There are indubitable indications that the system is based on the right foundation,—one of the most satisfactory of which proofs is found in the hearty accord of the prisoners with the administration as regards the plans and purposes relating to them and their welfare.

There is an evening school, maintained for recitations only, on two evenings of each week; a normal class for the prisoner-teachers, and a writing class for those unable to write legibly,



on another evening. The reading-room is open two evenings each week, and two evenings are devoted to quiet study in the separate rooms, in each of which gas is supplied. A regular course of instructive Saturday lectures is maintained, and both Protestant and Roman Catholic religious services are regularly conducted on the Sabbath. Thus, it will be observed, the whole time of every man, except for necessary hours of rest, is fully occupied with industrial labor, or study, or recitation, or writing, or useful reading.

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## CHAPTER VII.—MORAL FORCES REPLACING PHYSICAL FORCE.

IT is gratifying to be able to state, that in the maintenance of order and discipline in American prisons increasing reliance is placed on moral forces, while physical force is coming into a diminished esteem and use. But the lash still maintains its place in some prisons. Let it be banished in *secula seculorum*. Recourse is now seldom had to scourging in the great prisons of Europe; and wherever it has been discontinued, the unanimous testimony is that its disuse is an equal gain to the discipline and the moral power of the prison. It is possible to subdue a man, to break his spirit, by flogging; it is not possible to improve him morally by such a punishment. In many convicts, punishment by scourging excites undying hate. An indignity has been offered to their manhood, which they can neither overlook nor forget. To a convict who had been refractory, but whose subsequent quiet behavior had given hope of a radical amendment, his chaplain said: "Well, my good fellow, I hope that you have no bad feelings now, and that you have driven that nasty black dog off your back." "He replied," says the chaplain in narrating the case, "with a shrug and a sneer, and a smile on his large white face like a moonbeam on a field of snow, 'Oh! of course, Sir.' 'Come, I don't like the way you said that; I fear you have bad feelings still.' 'Do you know, Sir, that I was in this prison before?' 'I did not know it.' 'Well, I was, Sir, five or six years ago; and *they flogged me*. I have the marks of the lash on my body. *When they wear out, I shall forget and forgive.*'"

## CHAPTER VIII. — ACTUAL PROBLEMS IN AMERICAN PRISON MANAGEMENT.

TO the writer it seems that the actual problems of American prison discipline and management are: 1. To unify into one comprehensive system the prison administration of each State. 2. To eliminate the element of party politics from their organization and management. 3. To solve, in the best and most satisfactory manner, the systems and methods of prison labor. 4. To give full effect to the reformatory principle, without however eliminating the penal element, in prison management. 5. To determine the best modes and proper extent of scholastic, moral, and religious instruction to be given to the prisoners, having due regard also to the question of religious liberty. 6. The establishment of national prisons for the treatment of United States prisoners.

An important step in the right direction has been taken by the State of New York, so far — and unfortunately only so far — as the prisons under State control and management are concerned. Under a special amendment of the constitution of the State the old board of State-prison inspectors has been abolished, and a new office of superintendent of State-prisons has been created. In this officer all the functions of the late board are concentrated. He is appointed by the State senate on the nomination of the governor, and holds his office for five years. When the change of system was made, it was quite understood by both the great political parties that politics should no longer have any place or influence in the appointment of officials and the administration of the prisons. Effective provision, however, was not made in the constitutional amendment for the exclusion of such influence and such action, and already menacing indications begin to appear that the old trouble is not wholly extirpated; but we still hope that this tendency may be arrested, and that political control may be effectually and for ever eliminated from this important part of the public service, where it has no business, and only supervenes to mar or to destroy.

## CHAPTER IX. — RELIGIOUS AND EDUCATIONAL AGENCIES.

AS regards the importance of religious instruction in prisons, I concur in the utterance of the London Prison Congress of 1872, — itself an echo of that of Cincinnati in 1870, — that  
[“of all reformatory agencies religion is first in importance, be-

cause it is most powerful in its action upon the human heart and life." In the year 1826 there was not a single resident chaplain in any of the State-prisons of the United States. At the present time (1879) all the prisons of this class in what were formerly known as the free States are supplied with chaplains; though it still remains true that only a part of those in the Southern (formerly slave States) are so provided. This shows a gratifying progress within the half century intervening between these two dates. Surely, in the effort to change bad men into good ones, nothing can supply the place of religious teaching drawn from the Word of God and resting on its everlasting verities.

In a majority of our State-prisons a copy of the Holy Scriptures is found in every cell, and the testimony from prison officials is quite general to the effect that they are a good deal read by the prisoners, and that the influence of such reading is not without beneficial results. In very many of our prisons flourishing Sunday-schools are maintained, chiefly through the efforts of volunteer Christian workers from outside; and in quite a number weekly prayer-meetings are held, in which the prisoners take an active part. Most of the prisons have a choir composed of the inmates, which leads the singing at the Sunday service, though all the prisoners who can sing usually take part in this exercise, which is much relished and is found to exert a quieting, humanizing, and elevating influence. As regards the effect of the Sunday-school, one of our best prison chaplains gives this testimony: "The school is highly beneficial to those who attend it. A growing knowledge of and interest in the Scriptures is most evidently the result." Volunteer workers are largely admitted into the prisons of the United States, if the authorities in charge have confidence in their judgment and discretion. As a general thing, the effects noted are good. Persons who object to this usage, — and it is generally objected to in Europe, — should remember that John Howard and Elizabeth Fry in England, William H. Suringar in Holland, and Louis Dwight in America were volunteer workers. So have been multitudes of other efficient laborers in both countries, who have worthily followed in the footsteps of these illustrious reformers. The feeling is not uncommon with prisoners that persons who of their own accord come to visit them and to labor for their improvement must have their interest at heart, since they are not discharging an official duty for which they receive pay. This feeling on their part adds much to the power of such instruction, — a power which, if wisely used, may be turned to the best account. The ties which convicts in this way form with some of the purest and best of their species of both sexes are often of inestimable value to them after their liberation. This is shown by the many offenders who, through the instrumentality of such voluntary workers, have become worthy and useful citizens.



The general condition of American prisoners in point of education, as compared with that of the whole population, is low; yet they are not so extremely illiterate as the criminals of many other countries, if we except the colored criminals of the South. Nevertheless, the proportion of illiteracy in American prisoners far exceeds that of the Scandinavian and German criminals. Taking the entire mass of the inmates of all classes of prisons in the Northern and Western States, the proportion of those wholly illiterate to those who have received a moderate degree of education, — often very moderate indeed, — may be stated with substantial correctness at about one-third; though it is considerably less than that in the majority of State-prisons. In the Southern States the proportions are just about reversed, — being two-thirds illiterate to one-third partially educated. The number of prisoners who have received a superior education in either section is small indeed. The women prisoners are not so well educated as the men.

The facilities for imparting an education to the illiterate inmates of American prisons leave still much to be desired. However, things are growing better rather than worse; and the provision made for the mental improvement of the prisoners is undoubtedly in most of the States in advance of what it was a few years ago. Public attention has been drawn to the subject; and in a considerable number of prisons libraries and schools, and in a few courses of lectures, have been established with a view to the general education of the convicts and to aid in their reformation. The best instances of prison instruction in the United States are probably found in the Detroit House of Correction and in the Elmira State Reformatory, in both of which they were established by Mr. Brockway. It will be long, probably, before any thing so comprehensive as Mr. Brockway has established at Detroit and Elmira becomes common in American prisons. Still, a good deal has been done in many of the State-prisons, and something in some of the houses of correction; but in the county jails and city prisons little or nothing is attempted in the way of literary instruction.

All the State-prisons in the Northern States have libraries for the use of their inmates. The number of volumes in these libraries, returned for 1873 by thirty-three of the State-prisons, was fifty thousand six hundred and sixty-three, — showing an average number for each prison of one thousand five hundred and thirty-five. Five years before, the same prisons showed an average of one thousand and fifty-one. A comparison of these numbers shows an increase within that period of nearly fifty per cent. At the present moment the number of volumes in these same prisons is probably not less than seventy-five thousand. Prisoners who know how to read for the most part make full use of the library,

and as a general thing greatly profit by it. The warden of one prison says: "All the prisoners who can read understandingly avail themselves of the privilege. The improvement from it is astonishing. Young men who two years ago were taught their first lesson here are now good readers; and it seems as if they had changed entirely in body and mind. They keep themselves now neat and clean, while they formerly were very filthy in their habits. They have better manners, and look more intelligent, more like human beings. Ignorance makes many convicts; education alone makes the man."

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#### CHAPTER X. — PROPER SIZE OF PRISONS.

FOUR of our State-prisons have fifteen hundred or more inmates; nine have one thousand and less than fifteen hundred; thirteen have five hundred and less than one thousand; one has four hundred and less than five hundred; and sixteen have less than four hundred. Now penitentiary science, as represented in the international prison congresses, holds that five hundred is the maximum number of inmates that ought ever to be treated in one prison; while a very large minority, perhaps an absolute majority, believe that four hundred would be the better and more prudent maximum. This is the limit fixed by M. Charles Lucas, of France, the high-priest of penitentiary science. According to this last standard only eighteen of our forty-five State-prisons are within the most judicious limit, and only nineteen come within the limit admitted by the congresses; while thirteen go with more or less of moderation beyond it, and thirteen are of mammoth dimensions, of which four are of a size altogether unwieldy and unreasonable.

I am earnestly in accord with M. Charles Lucas in his idea concerning the proper maximum of prisoners to be received and treated in the same establishment, and that not simply or mainly because of the better facilities thereby afforded for the organization of labor, but still more because such a prison holds out the best hopes for effective reformatory action upon its inmates. Now, though I freely acknowledge the superiority of the cellular system for preliminary detention, for short sentences in case of a first or second minor offence, and as the initial stage of long imprisonments for grave crimes; and though I hope for such an enlightenment of public opinion as will not only permit but require the establishment of the system to that extent, — yet it is not to be doubted that the congregate, associated, or Auburn system is now, and

in some modified and it may be hoped more effective form is to remain, the permanent system of this country. Nor, assuredly, would I have it otherwise; for though far from any intention or any desire to re-kindle a struggle which in other times raged so long and so fiercely, but is now happily allayed, yet with M. Charles Lucas I must avow a strong and steadfast conviction, that, under the influence of prolonged detentions, life in the cell can realize neither individual reformation — since it is not in conformity but in contradiction to the social nature of man — nor collective reformation, since cellurism has no collectivity. Neither collective nor individual reformation that can be relied upon seems to me possible, except through a good educational and disciplinary organization of life and labor in association. Thus alone may we arrive at the one and the other; nay, at the one through the other. The moral regeneration of criminals who are undergoing long terms of imprisonment must, as it seems to me, be effected through the agencies indicated above, or not at all.

Now those who hold to the incompatibility of life in association with a good penitentiary system do not appear to have sufficiently considered that wherever there is a society, no matter of what sort, there must of necessity be a public opinion, a general sentiment, an *esprit de corps*. It is the part of a vigilant government, a wise discipline, not to permit this public sentiment to grow and shape itself by its inherent forces, its spontaneous action; but rather to take the initiative, and put forth the most earnest as well as intelligent efforts to develop, form and direct it. The discipline which knows how to create and mould the public opinion of the society with whose government it is charged, — whether that society be a State, a community, a school, or a prison, — will ever find its best, its supreme force, *there*. But if it knows not how to enlist in its service and use to the furtherance of its own purpose this *esprit de corps*, from the moment it fails to secure the concurrence and co-operation of this great power it will have its opposition; and thenceforth it will be the strongest obstacle to its success, and the chief cause of its embarrassments and failures. The pre-eminent success of Wichern at the Rauhe Haus, of Demetz at Mettray, of Crofton in Ireland, of Charles Lucas at Val d'Yevre, of Obermaier at Munich, of Maconochie at Norfolk Island, of Guillaume at Neuchatel, of Sollohub at Moscow, of Petersen at Christiania, and of Brockway at Detroit was and is mainly secured through this potent agency.

I myself have never been governor of a prison, but was for eight years at the head of a large boarding-school. Within the first six months of my administration a strong public opinion was established in favor of law, order, and morality, and after that all trouble was at an end. No blow was ever struck; moral forces reigned supreme; the school governed itself.



It is to the formation of a sound, strong, controlling public opinion among his prisoners that a prison-governor must above all and before all direct his attention and bend his efforts, — a public opinion, an *esprit de corps*, which will lend itself to the maintenance of a just, wise, and effective reformatory discipline. Nor will this result be impossible or even difficult if undertaken in the right spirit, and pursued through agencies wisely chosen, and skilfully as well as persistently applied. It is because in former times no effort was put forth to this end, no thought given to it, nor even its possibility so much as dreamed of, that the association of prisoners was believed to be always, everywhere, and of necessity corrupt and corrupting. In the cases named above, and in others this has been disproved; and, what is more and better, it has been shown that even in prisons there may be a contagion of good as well as of evil.

In other things this is manifest and acknowledged. Witness the labors (with their results) of Wesley, Whitefield, Nettleton, Finney, Moody, and scores of others like-minded and of an equal zeal and activity. And so it will be in prisons when the right men are universally placed there, including the whole body of subordinates as well as the chiefs.

In this connection it deserves to be noted and considered, that there is no society in the world where the authorities in charge have such complete control of the influences brought to bear upon its members as that of a prison. Not the State, not the city, not the church, not the school, not the family even; for none of these have their members always in their presence and under their eye as the prison has. And this fact involves a grave responsibility on the part of the prison officer, and a still graver one on the part of the State whose agent he is. It must be remembered and never forgotten, that it is the future of the prisoner which must be thought of and prepared for by those in charge of him. The rules of that future will never be accepted by prisoners on the imperious commands of authority. They may be so accepted as the result of that collective reformation which, when secured in the manner pointed out above, is far more efficacious as well as reliable than individual reformation. And here comes into play the principle just noticed, that good has a force of contagion as well as evil. Every thing depends on knowing how to seize, or rather perhaps how to make and improve, opportunities.

The bearing of all this is clear on the question of the normal maximum of the population of a prison which shall permit the penitentiary education — industrial, literary, moral, and religious — to act under the conditions, theoretical and practical, of an effective application. This principle of limitation is not peculiar to penitentiary establishments, — it is general and absolute; because wherever it is a question of imparting or remodelling educa-

tion, the educators who do not avoid an excessive agglomeration will find themselves condemned to comparative impotence. I have known a distinguished theological professor, who held that a seminary intended for the professional education of ministers of the gospel ought to be restricted to such a number of students that their teachers could know them all personally and intimately. If he was right in his view in regard to institutions of that sort, where the inmates unless they belie their profession are all men of piety and principle, how much more urgent the necessity that prison-keepers, whose office and work is to change bad men into good ones, should know well every individual under their care, to the end that, within the limits of the law, they may suit their treatment of him to his individual character and exigencies. From these premises it would not seem a violent inference that M. Charles Lucas's maximum of four hundred is rather above than below the normal standard number for a penitentiary under the empire of a public opinion, an *esprit de corps*, which itself has created, as the main buttress of its strength, in the bosom of the society which it directs and governs. And let us never forget the maxim of Alexander Maconochie, the profoundest, the most original, and at the same time the most practical of thinkers or writers on the penitentiary question, — "The criminal must be trained for society in society." The education of man, whether in the penitentiary or out of it, must be conducted in conformity to that sociability which is the law of his nature and the law of the social state, — which is the condition of his existence. Individual imprisonment, therefore, cannot be for one sentenced to a long term a fit preparation for the society from which he came, and to which he must return at the time of his liberation.

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#### CHAPTER XI. — PRISON INDUSTRIES. — LABOR SYSTEMS.

THE distinction common in English prisons, between penal or "hard" labor and industrial labor, has no existence in American prisons. The term "hard labor" is still found in our laws, but all the work done under these sentences is industrial and productive. The tread-mill, the crank, the shot-drill, and other forms of technically penal labor have no place in the prisons of the United States. The "hard labor" of the sentence means simply productive labor, of whatever kind. And this element in the sentence is the dictate at once of justice and good policy; of justice, because it is right that criminals who have put the State to more or less expense should do something towards defraying

the cost of their crimes ; of good policy, because work is an essential condition of the criminal's reformation, — and his reformation is the greatest interest the State has in him.

There is scarcely any sort of productive labor which does not find a place in some one or more of American prisons. In Alabama, North Carolina, and Texas the convicts build railroads ; in Mississippi they raise cotton ; in Tennessee and New York they work mines ; in many of the States they cultivate vegetable gardens, or do farm work. But, except at the South, the prison employments are generally mechanical, and especially deal with work in wood, leather, and the metals, though stone-work is also done on a large scale where prisons are building. This was formerly so common an occupation for American convicts that "hammering stone" became a cant term for imprisonment. At the Auburn prison agricultural tools are extensively manufactured ; in the cellular prison at Philadelphia (the eastern penitentiary) the employments pursued in the cells are mainly sedentary, such as shoemaking, weaving, tailoring, and the lighter kinds of wood-work ; in Massachusetts, cabinet-making, brush-making, shoe-making, and sewing by means of the sewing machine are common prison employments ; in the Connecticut State-prison an important branch of labor is the manufacture of carpenter's rules ; in the Maine State-prison, the warden, being a carriage-maker, introduced that branch of industry ; in the prison of northern New York, at Dannemora, a great iron mine furnishes ore, which has been smelted, forged, and wrought into nails by the convicts ; in the Michigan State-prison at one time tanning leather was largely practised ; in the Detroit House of Correction chair-making has been the chief industry ; and in the Indiana State-prison (south) the manufacture of railway cars is carried on in all its branches. In short, there is hardly any mechanical occupation which is not or has not been practised in some of our American prisons. Thus, wire-weaving is carried on in two prisons ; the making of bolts and hinges in one ; of brushes in several ; of stoves in one ; of edge-tools in one ; of car-wheels in one ; of bronzed iron-work in one ; of cigars in five ; of machinery in one ; of axles in one ; moulding in three ; chair-making and chair-seating in eight ; weaving in three ; cabinet-making in six ; agricultural implements in one ; broom-making in one ; cooperage in nine ; saddling and harness-making in several ; boot-making and shoe-making in a dozen or more ; and carpentry, tailoring, painting, and smithery in all. Several prisons, as already stated, have turned their attention to farming, and have made or propose to make agriculture and horticulture principal branches of industry.

Three systems of convict labor have prevailed at different times and in different prisons in the several States of the Ameri-



can Union: 1. That of working prisoners on account of the State; the latter supplying the necessary capital and raw material, and undertaking through its agents the sale of the manufactured articles. 2. That of letting the labor of the convicts to certain persons, who buy it for a stipulated number of years at so much per day for each man. This is known as the contract system. 3. That of leasing the prison,—that is, the labor of the whole prison population,—for a certain number of years to some one or more individuals or firms; the lessee having the entire control of both the discipline and industries of the prisoners, procuring all supplies of food, clothing, medicines, etc., and conducting the business and all the affairs of the institution,—every thing, in fact, connected with the establishment being in his discretion and at his disposal. This is known as the lease system. It is sometimes varied from the type as above described by letting the labor to more than one party; but the principle is the same, whatever the number of independent lessees may be,—each is answerable for the number of men he leases.

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## CHAPTER XII.—THE CONTRACT SYSTEM OF PRISON LABOR.

THE contract system obtains in the major part of our prisons. In a few, perhaps a tenth or an eighth of the whole number, the prison labor is managed by the prison administration; and this is especially the case where the building or enlarging of a prison is going on. There are many objections to the contract system of prison labor, but it has been found in general less expensive to the government than its management by the prison officers. This, however, is no doubt largely due to the general instability of our prison administrations. Where party politics dominate these administrations, and where, owing to the fluctuations of parties, new and inexperienced men are so often put in charge of our prisons, it is not to be expected that so vast and complicated a machine as the industries of a large prison should be successfully managed by them. Even under our present system, the industries in prisons of moderate size, containing not more than three hundred or four hundred inmates, have been and are carried on by the authorities in charge with fair success. Take the history of the State-prison of Massachusetts as an example,—a prison from which we have financial returns for a longer period than for any other in the country. During the sixty-two years covered by these returns the prison has exhibited a profit above its expenses in twenty-three years, and a deficit in thirty-nine years. But in the first thirty years, when its number of convicts averaged less

than three hundred, the prison had an aggregate deficit during the whole period of less than sixty thousand dollars ; while in the thirty-two years since, the average number having been five hundred the greater part of the time, the aggregate deficit has been more than three hundred thousand dollars, or five times as much as when the prison was small. Now, although the revenue derived from the labor of convicts should be regarded as of less importance than their judicious treatment and their moral improvement, it is still a noteworthy fact that prisons of a moderate size are readily made self-supporting, while the larger ones are not.

The general influence of letting the labor of the convicts to a class of outside persons, called contractors, was from the first regarded with apprehension by those three early apostles of the Auburn system, — Elam Lynds, Gershom Powers, and Moses Pilsbury, — the two former of New York, and the latter of New Hampshire, and afterwards of Connecticut. Mr. Lynds expressed himself to De Tocqueville as “in constant fear that the presence of the contractors in the prison would, sooner or later, lead to the total ruin of the discipline.” Judge Powers’s fears were thus expressed by himself in a report to the legislature of New York in 1828: “This mode of employing convicts is attended with considerable danger to the discipline of the prison, by bringing the convicts into contact with contractors and their agents, unless very strict rules are rigidly enforced.” To the question, “How does your contract system work now?” Mr. Pilsbury replied in 1839: “Destructive to every thing which may be called good, both as it relates to the institution and the prisoners.”

What is the effect of the contract system on the discipline of our prisons? The first effect of the system is to place for the whole working day all the prisoners contracted for, to a great extent, under the control of men with no official responsibility, — men who see in the convicts only so much machinery for making money ; men whose only, or at any rate whose chief, recommendation to the positions they hold in the prison is that they were the highest bidders for the human beings hired by them.<sup>1</sup> The second effect of the system is to introduce among the convicts as superintendents of their labor strangers to the prison, who are employed by the contractors as agents, foremen, and in some instances even laborers, — men utterly irresponsible ; men selected with little regard to their moral character, and often without morals ; men who do not hesitate to smuggle liquor into the prison and other contraband articles, and sell them to the convicts at an incredible advance on their true market value. A

<sup>1</sup> There are exceptions to this, I gladly acknowledge. Mr. G. S. Griffith is contractor for a part of the labor in the Baltimore city prison, and the more of such contractors in our prisons the better for the prisoner and the cause of prison reform. But, unfortunately, in this case “the exception does *not* prove the rule.”

third effect of the system — in former times especially conspicuous in New York — is to set up in the prisons a “power behind the throne greater than the throne;” a power well-nigh omnipotent within its sphere; a power that coaxes, bribes, and threatens in pursuit of its selfish ends; a power that makes and unmakes officers, imposes and remits punishments through agents whom it has been able to bend to its will, and even stoops to mean devices to get the poor prisoner who has incurred its wrath into straits and difficulties, that its revenge may be gratified by the sight of his punishment. Let me close this portraiture with the testimony of an eminent warden of one of the principal State-prisons of the country: “The contract system exerts an influence unfavorable to discipline; it is the source of strife between the contractors and convicts.”

What is its effect upon the reformation of the prisoners? Little need be said on this point. Its influence may be inferred from its nature. It impinges with a crushing force upon the great work of the moral regeneration of the prisoners. The contractors have no interest *as contractors* in their reformation. Their interest as contractors and the interest of the prison as a reformatory agent not only do not run in parallel lines, but in lines which are repellent and antagonistic. By a necessary law, by an instinct of its very nature, this system of prison labor opposes itself to all the great forces of reformation by which, if at all, the inmates of our prisons must be reclaimed, regenerated, and re-absorbed into the mass of upright, industrious, and honorable citizens.

At the same time, I am free to confess that I would not favor the abolishment of the contract system so long as the present policy is continued as regards the uncertain tenure of office, and for the following reasons: 1. The successful management of the industries of a prison requires experience and business tact, — qualities that can be acquired only by a long practical familiarity with such management. 2. It would not be wise to commit the industries of a prison to its head so long as he is not only liable but well-nigh sure to be displaced on every transfer of power from one political party to the other. 3. Considering the extent and variety of the industries carried on in most of our State-prisons and the frequent change of officers therein, the result of which is that inexperienced persons are for the most part at their head, it would be unsafe to change the system of labor while the system of government remains what it is at present. 4. Consequently, in order to a safe and successful change of the prison-labor system from outside contract to State management, it will be an essential condition precedent that political control be eliminated from the government of our State-prisons, and that their administration be placed in the hands of honest and capable men, and kept there.



## CHAPTER XIII. — THE LEASE SYSTEM OF PRISON LABOR.

THE third system of prison labor in the United States, known as the lease system, has already been described in a general way. Though the lease system and the contract system have points in common, there is nevertheless a material difference between them; and, while I am not a partisan of the latter, I look upon the former as greatly the more objectionable of the two. Under the contract system, the labor only of the convict is hired out; but the whole care of the prisoners, — the discipline, the clothing, the bedding, the food, the medical attendance, the religious and secular instruction, the hours of labor, etc., — is retained in the hands of the authorities. But under the lease system all this is changed. The whole control and management of the prison, at least as a general rule, are turned over to the lessee, who is sometimes an individual and sometimes a firm, but always a party whose object is to make money, — first out of what the convicts can earn, and next out of what can be saved from the cost of feeding, clothing, and housing them. The prison is let for a term of years to the party who offers the highest *bonus* to the State over and above the keep and care of the prisoners. Other considerations may possibly come in, but this is the main and controlling one. I consider it a system objectionable to the last degree. It is the same system against which, a hundred years ago, John Howard lifted up his voice and sharpened his pen. The central evil of that system was that the keeper, free from supervision and restraint, was left to make his fortune, or at least his living, out of the prison. A salary was seldom given. Sometimes he paid an annual rent; sometimes he bought his place for a round sum. Howard mentions many examples.

The system, as De Tocqueville has suggested in his report on American prisons, is equally injurious to the interests of the convict and the discipline of the prison. It is injurious to the convict, because the lessee, seeing nothing but a money transaction in his lease, speculates on the food and clothing as he does upon the labor: if he loses on the clothing, he indemnifies himself on the food; if the labor is not as productive as he calculated, he seeks to balance his loss in that direction by spending less on the supplies. The system is injurious to the prison, because the lessee, looking upon the convict simply as a working machine, thinks only how he can use him to the greatest pecuniary advantage, and he cares little whether the gains are made to the profit or the prejudice of the discipline and good order of the institution.

Such is the *rationale* of the system; and, so far as my observations and inquiries have extended in the States which have

practised it, facts accord with and sustain the theory. The system has twice been adopted in Missouri, and twice been condemned and discarded there by public opinion. It long prevailed in Illinois, but the force of an enlightened public sentiment at length put an end to it in that State. It has been practised in Kentucky almost from the foundation of the State-prison, but not without a vigorous and persistent opposition on the part of many of the best citizens of the State. On occasion of sundry visits to that State and its prisons, I have heard, even from inspectors of the prison and governors of the State, numerous complaints made against different lessees on account of their unjust and unfeeling treatment of the prisoners. One was charged with having so overtasked his men that they became broken down in health and constitution ; another, with having kept them on rations so stinted in quantity and so inferior in quality as to have brought on a general epidemic of the scurvy ; and all, or nearly all, with treating them badly towards the end of their lease in respect to food, clothes, bedding, and other supplies, being naturally anxious to spend as little as possible and to make as much as possible in anticipation of the winding up of the whole business. Thus every interest of the prisoner, bodily and spiritual, and every interest of the State, material and moral, were lost sight of in the one all-absorbing idea of making money.

The general result of the lease system, then (I will not affirm universality of it), appears to be this: The food and clothing are brought down to a minimum ; the strength of the convict is tasked beyond all bounds of reason ; the property of the State is abused or suffered to go to ruin ; convicts are regarded as so many working machines, and are valued chiefly if not wholly for the work that can be got out of them ; the idea of reformation is ignored ; and all the higher ends of prison discipline are held in abeyance.

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#### CHAPTER XIV. — CHARACTER AND CAUSES OF CRIME.

THE prevailing character of crime in America is hard to define. In the South and West crimes of violence, in the North and East crimes of fraud, are more common. Theft prevails everywhere, though not to so great an extent as in Europe. Crimes against property and crimes against the person are substantially in the ratio of three to one. Intemperance is a proximate cause of a very large proportion of the crime committed in America. Fully three-fourths of all the prisoners with whom I have personally conversed in different parts of the country have

admitted that they were addicted to an excessive use of alcoholic liquors. "If it had not been for the dram-shop I should never have been here," is the stereotyped wail that issues from every cell and swells in melancholy chorus through all the corridors of our prisons. In a circular letter which I once addressed to the wardens of all our State-prisons, this question was put to them among others: "What is your opinion as to the connection between strong drink and crime?" The answers returned all looked one way. Mr. Pollard, of Vermont, did but echo the general sentiment, though he put it more sharply than most, when he said: "My opinion is that if intoxicants were totally eradicated, the Vermont State-prison would be large enough to hold all the criminals in the United States."

Orphanage, idleness, misery, and the wretched home-life, or lack of home-life, in great cities, are fruitful sources of crime. A desire to live without work leads to crime here as it does in other countries, and this vicious indolence was much increased by the late civil war. The severe financial depression that has existed throughout the whole country since 1873, and is but recently beginning slowly to withdraw its heavy hand, has contributed in no small degree to swell the volume of crimes, both of fraud and theft, and even of violence. Among educated men, crimes of fraud have greatly increased, and our prisons now contain more convicts of this class than ever before. Want of a trade is a permanent and potent occasion of crime. Three-fourths of our convicts make no pretence to having acquired a trade; and of the remainder more than a moiety have done so only in a very imperfect degree.

There is a melancholy tendency of crime youthward. More than a fifth of the inmates of our State-prisons are mere boys, ranging from twenty years down even to the child who has scarcely reached his teens. Reformatory homes, not the State-prison, are needed for such,—houses of discipline, in which kindly, curative, healing influences may be applied.

Another suggestive fact is that two-thirds of the entire population of our State-prisons, including of course those referred to in the last paragraph, are under thirty years of age. Of these a large majority are undergoing their first imprisonment in establishments of this class. Such a fact points to the creation of juvenile prisons like that at Elmira, of which some account has already been given,—institutions that might be made to assume more the character of a well-conducted farm-school or industrial reformatory than of an ordinary prison.



## CHAPTER XV.—DIVERS FACTS RELATING TO STATE PRISONS.

THE tendency of such prison improvements as have been made is towards the Crofton, or Irish, convict system, which, as it becomes better understood, gains more friends every year in the United States. No States have yet introduced it as a whole, or even its essential features ; but some steps in that direction have been taken, and others will doubtless follow, till it becomes the system of the country. The cellular system — to which, in my opinion, some injustice is done in America — has ceased to be of practical importance here, but the introduction of the Irish plan would permit us to use the desirable features of cellular separation. The system in its strictness, except in the eastern penitentiary at Philadelphia, does not now exist in the United States, and is not likely to return into favor. A great evil in our minor prisons, and in many of those of a higher grade, is that there is no system at all, but a mixture of routine and caprice in the prison administration, from which good results can come only by hazard or by miracle.

The most hopeful examples of prison discipline among us are found in a small class of prisons — houses of correction properly — holding a middle place between the State-prison and the county jail. Such are the district prisons at Albany, Detroit, Rochester, Pittsburg, Cleveland, and perhaps a few others, where the baleful influence of partisan politics has not been too much felt, and where the management of prison affairs remains in the hands of competent men for a long period. The administration of prisons of this class is, as a rule, more permanent than that of either State-prisons or jails ; and, as a consequence, the best officers are attracted towards them. In some of these — such for example as the Albany penitentiary — the Auburn system is maintained with rigor ; in others it is so modified as to permit the introduction of some of the best features of the Irish system as practised by Maconochie and Crofton. Were our laws so amended as to allow longer sentences, and especially cumulative sentences for the petty criminals who make up the great majority in these district prisons, they would soon display results more marked and gratifying. With all the disadvantage of repeated short sentences, the best prisons of this grade are now self-supporting, and to some degree preventive of crime. New prisons of this class are gradually appearing, especially in the older and more populous States, and always in or near large cities receiving convicts from a wide area or a great population, and classifying their inmates more systematically and more thoroughly.

Another hopeful class of our prisons — though these are not as yet very well organized — include State workhouses like those of

Massachusetts and Rhode Island, where sentences of one, two, or three years are given for such offences as vagrancy, habitual drunkenness, and prostitution, and where it will be easy to introduce the main points of the Irish convict system. These work-house prisons generally have ill-arranged buildings, and do not separate their inmates properly; but they are much more dreaded by the vagrant class than the better-built prisons where short sentences are imposed, and thus they serve a good purpose in deterring from petty crime and breaking up habits of intemperance and idleness. They have come into favor within the last few years for the confinement of tramps, who have become alarmingly numerous in most of the northern, middle, and western States, and among whom many persons guilty of heinous crime seek to escape notice.

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#### CHAPTER XVI. — COUNTY JAILS.

THE county jails of the United States, as already noted, are small prisons found in the counties of the several States, to the number of two thousand or more. They are designed for the safe-keeping of persons awaiting trial, and for the punishment of misdemeanants by short terms of imprisonment. De Tocqueville nearly fifty years ago subjected these prisons to a sharp but just *critique*. There has been progress since in some localities; but the majority of the jails, taking the whole country, are little if at all better to-day than they were then. These prisons escape notice from the public for the reason that for the most part they are small structures, with few inmates, and these for short terms. But if we reflect upon the great number of jails, and remember that all criminals of the higher grade pass through them to the penitentiary, we must recognize the importance of the question which the jail-system offers for our determination. As places of safe-keeping they answer fairly well; as places of punishment they fail to accomplish the object of their creation; as places of reformation they are worse than nothing, as their tendency is to debase and to deteriorate. They are defective in a sanitary point of view: many of them are insecure. They are so constructed as to compel the promiscuous association of the young and the old, the convicted and the unconvicted, the hardened villain and the novice in crime, and in some cases—but this is rare—even of the sexes. In none of them is there provision for the employment of their inmates; and there are few comparatively where any attempt is made, officially at least, either at moral or mental culture. Their condemnation may be pro-

nounced in a single sentence, — they are an absurd attempt to cure crime, the offspring of idleness, by making idleness compulsory. The moral atmosphere of these prisons is necessarily foul, — no fouler exists anywhere. It is loaded with moral contagion. The contact of the inmates is close, their intercourse unrestricted, their conversation abominable, the corruption of the innocent certain, while that of the depraved must be augmented.

What is the remedy for this state of things?

1. The State must assume the custody and control of the whole body of prisoners convicted of a violation of the laws, whatever the gravity or the lightness of the offence. From the nature of the case the counties cannot adequately discharge this function; and the whole responsibility of the failure which has attended the effort rests not upon the counties, but upon the State, which has assigned to them a task impossible of execution by them. The counties, with very few exceptions, are not strong enough, either in wealth or population, to maintain a prison for sentenced persons conducted on right principles and in an effective manner.

2. But in what manner must the State supervene that its action may be effectual? Intervention by the State will not be satisfactory, unless it embrace four elements: district prisons, a single governing authority, the power of transfer, and a reformatory discipline. The number of these prisons needed will depend upon the territorial extent of the State and the density of its population. The number of prisoners in a single prison must be sufficient to admit of profitable employment and an effective discipline, but should never be so large as to obstruct these ends.

3. The principle of cumulative sentences should be introduced, and the length of the imprisonments rapidly increased on a repetition of crime. After one or two re-convictions, the terms of sentence should be made long enough for the effective application of reformatory processes. This is at once justice to the State and mercy to the culprit.

If the State assume the treatment of all convicted and sentenced prisoners, nothing will be left to the counties but to care for those awaiting examination or trial, and the jails will at once become mere houses of detention. What influence this will have on the number of such places time will determine. The reduction will no doubt be considerable, and so will the points at which the accused shall be tried. Houses of detention should then be constructed upon the principle of complete isolation. The propagation of crime through the promiscuous association of the innocent and the guilty must be stopped. Justice to the State and justice to the prisoner alike demand this, since the highest interests of both are involved in it.



## CHAPTER XVII. — LOCK-UPS.

THERE is another class of prisons, little known or thought of, but very numerous and often extremely crowded; namely, the city prisons, lock-ups, or station-houses, as they are variously called. They almost need a John Howard for their sole reformation. They belong, as Dr. Eliot of St. Louis said in a paper contributed to the New York prison congress of 1876, to the alphabet of penitentiary reform, but they are not on that account less important or less difficult as a question of social science and reform. I shall draw freely from his essay in what I am about to say on this subject.

It would seem at first thought to be a matter of slight importance where arrested persons are put for a single night or day, or how treated, or under what circumstances of discomfort kept, so long as absolute barbarity is not practised. Let the brief hardship be a lesson to them; make the place intolerable, and they will keep out of it! If they would, the case would be different and there would be less to say. If crime were more effectually prevented by cruel treatment of the criminal, that would be some excuse for it; we might be willing to yield something of humanity to secure greater efficiency. But all experience proves the contrary. Brutal treatment brutalizes the wrong-doer, and prepares him for worse offences. Dr. Eliot tells of a visit, in the old days of slavery, to a plantation where the slaves were ill-treated. He said to one of them, an intelligent, steady fellow:

"What makes you all behave so badly? Why not be decent, and do your work honestly?"

"Well, master," he answered, "they treat us like dogs, and we behave like dogs, — that's just how it is."

A thoughtful answer; but, observe, the dog-like treatment preceded the dog-like behavior.

It is very apt to be so with men. The worse the lock-up is made the more crowded it will be. Every night spent there degrades the occupant and makes his return more sure. Continually disgraced he continually grows worse.

In studying what character to give to a lock-up, we must consider that among the occupants there will always be a number who are there for the first time and the first offence. They have been caught in bad company; or been guilty of some disorder; or found sleeping out of doors, having no in-doors where to sleep; or accused by the blunder of a policeman; or held on a groundless suspicion. Just at that point not a few of these take the first step of a downward course. Probably not less than ten per cent of all confined nightly in this class of prisons are there for a first

and trifling offence, or for no punishable offence at all ; and the aggregate number every night shut up in them throughout the whole country can hardly be less than from ten to fifteen thousand. Think of it ! Not less than a thousand every night in the year locked up in these city prisons for the first time, for a small offence or no offence ; not a few of them children, — boys and girls under fifteen years of age, whose chief fault is that they have never known a parent's love, never enjoyed the blessing of a home, never felt the warm pressure of Christian care and kindness ! Truly, human justice is a clumsy machine, and often deserves the punishment which it inflicts.

Dr. Eliot describes one of these lock-ups in the city of St. Louis, in which each cell is twelve feet long by eight feet wide and ten in height, with no windows and no ventilation, all the light and air being admitted by grated doors opening into a passage. The usual average of occupants at night to each cell is four or five ; sometimes, and on Sunday nights often, going up to eight or ten. " Think," he exclaims, " what school-houses of crime are these ! The city's public schools of vice and profligacy ! Open for men, women, and children every day in the year, with a doubly accumulated crowd for the Lord's day ! Go through the lock-ups of any large city next Sunday night, and you will see where no small part of the primary instruction in crime — yes, and advanced instruction too — is given, and who the learners are."

The conclusions reached by Dr. Eliot are: 1. That the city prisons, or lock-ups, should be so constructed as to give a separate cell to each prisoner, with a decent minimum of physical comfort and an ample supply of fresh air. 2. That the treatment should be that of kindness, but with enforced silence and solitude so far as other prisoners are concerned, and with a view to the hindrance of all needless publicity and disgrace. Prevention of future evil, rather than the correction of what is past, should be the aim. 3. The opportunity for the use of direct moral means, especially by legal enactment, seems to be small ; but no better sphere of useful service offers itself to the city missionary, to young men's Christian Associations, to all who are willing to work for Christ's sake, than would be afforded by well-constructed and well-managed " city prisons." The exercise of such labors might be legally recognized, though not legally provided or enforced.

## CHAPTER XVIII. — SENTENCES AND EXECUTIVE CLEMENCY.

IT is the practice of courts in the United States to give short sentences for minor offences, and to repeat them often in the case of the same person. The effect of this is to increase crime, as our prisons are now managed. The principle of cumulative sentences has not hitherto been much discussed among us, but there are earnest thinkers who warmly favor it. There is, too, a growing sentiment favorable to longer sentences than are now given, and even to sentences of an indeterminate length, or at least of a maximum duration so great as to allow to the authorities a large discretionary power of absolute or conditional liberation, similar to what has been described as existing in the New York State-reformatory at Elmira.

The length of sentences to State-prisons offers a curious study. The average for the whole country — excluding, of course, life-sentenced men — is a fraction over four years. The average of the individual prisons varies all the way from a maximum of ten years (Virginia) to a minimum of one year and three months (Minnesota). The tendency to long sentences shows itself in the Southern States, to short ones in the Northern. For example, the general average length of sentences in the four Southern States which are highest is seven years and three months, while the general average of the four highest Northern States is four years and nine months; the average sentences in the four lowest at the South are two years and a half, in the four lowest at the North are one year and three-quarters. But what is most remarkable is the extremes, — the absolutely highest being ten years, the absolutely lowest being one year and a half. This astonishing diversity in the length of sentences in the two sections — which is scarcely less astonishing in the several prisons of the same section — shows very clearly the importance of a commission of eminent jurists of all the States, one from each, charged with the duty of preparing and proposing to the consideration of the several legislatures a uniform code of criminal law.

A few words touching the exercise of executive clemency. In 1865 the percentage of convicts pardoned in the whole country, exclusive of those who earned a diminution of sentence by good conduct, was seventeen; in 1869 it had fallen to ten per cent; and in 1873 to five and one-third per cent. These figures are of course partly estimated, and at best therefore are but approximations to the truth. But the decrease is indubitable, and it is well that it has taken place; for there can be no doubt that the desire and expectation of executive clemency on the part of



prisoners, absorbing as it has done a large share of their thought, anxiety, and effort, has been a serious obstruction to their reformation. They are always planning, hoping, working to get out ; and this makes them uneasy, irritable, and indisposed to yield themselves to reformatory influences. The true method is to place our prisons upon a proper basis, render the administration permanent, put the prisons in the hands of competent officers, make them really adult reformatories, and then say to the criminal on his commitment : " When you show yourself a reformed man, when you convince us by satisfactory evidence that it will be safe to let you be at large, you can go ; but not before." This would put every man's pardon in his own hands, and free our governors from a world of anxious toil, and from a responsibility to which they ought not to be subjected. No doubt the principle of executive clemency should be retained ; but its exercise should be, if not by law at least by usage, limited to exceptional cases, and not as heretofore and now made the ordinary resort of criminals whose money or social position enables them to command the influence necessary to secure their liberation, in many cases, long prior to the time when it would be effected by the operation of law.

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#### CHAPTER XIX. — DIETARIES AND HYGIENE.

THERE is no general scale of dietaries in the United States, and from the diversity of climate and productions there could scarcely be one ; for what would be wholesome at Boston or Albany might be deleterious at New Orleans or Charleston. Besides, as already stated, there is no central penitentiary administration for the whole country, and of course no central authority to ordain such general scale. In the Western States fresh meat is more freely used than on the seaboard, but in all the American prisons meat is far more common than in those of Europe. The rations are for the most part as good as prison fare ought to be ; and there is no restriction by weight of the essential articles of food, — in these the only limitation is that imposed by the prisoner's appetite. It would be possible, and every way desirable, to make our prison dietaries more uniform and more in accord with medical science ; and the same may be said with increased emphasis of the general sanitary condition of the prisons. But this is improving wherever new buildings are erected, and the ventilation and drainage of half our prisons is now reasonably good ; of the other half it is indifferent or bad, — in many instances very bad. Probably one-fourth of the prisons are kept scrupulously clean,

the major part of the rest fairly clean, but a few are foul and filthy; yet most of them are free from serious sickness, and the death-rate is not generally large. It cannot be given with accuracy, however, for lack of careful and trustworthy statistics.

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## CHAPTER XX. — AID TO DISCHARGED PRISONERS.

THE work of aiding well-disposed prisoners on their liberation, though begun in this country, is not so well organized or so far advanced here as in several other countries. The first society of this kind, so far as I know or believe, was formed in Philadelphia, on the seventh day of February, 1776, and is just five months older than the nation, which had its birth on the fourth day of July of the same year, and in the same city. It is worth while to record the name of the person in whose brain and heart this simple but great conception (all great conceptions are simple) had its birth. Richard Wistar, whose residence was near the common jail, had his attention, as the result of this proximity, called to the bad condition of the prison and the great misery of the inmates. He was moved to speak to his neighbors, and from him came the first incentives to a more general interest in the jail. This resulted in the formation, on the day and year above named, of a society under the title of "The Philadelphia Society for Assisting Distressed Prisoners." The occupation of Philadelphia two years later by the British troops put an end, for the time being, to the labors of the society; but in 1787 substantially the same association was revived, with the slightly altered title of "The Philadelphia Society for Alleviating the Miseries of Public Prisons." In this revival many of the chief citizens took part, and among them the illustrious Benjamin Franklin and the venerable Bishop White. The Philadelphia prison society still exists, as fresh, vigorous, and active to-day as when it first started into life; and, what is not a little remarkable, during the one hundred and two years since its reorganization it has had but two presidents.

The prison societies of America do not, like similar societies in Europe, limit their labors to the patronage or aid of liberated prisoners. They have also in view the study and promotion of general prison reform in the States where they are located. Moreover, such attention and aid as may be found necessary are given by these organizations to persons under arrest or indictment, and who are awaiting examination or trial. This is both an important and useful work, as it prevents a great deal of unnecessary expense

to the public, a great deal of unnecessary detention to the accused, and a great deal of unnecessary suffering to their families. For the nature and results of this sort of work, reference may be made to the reports of Mr. William J. Mullen, agent of the Philadelphia prison society for a period of more than twenty years. During that time he has been instrumental in procuring the release from prison of forty thousand persons, and in saving to the tax-payers a full half million of dollars. Attention to prisoners in preliminary detention is also given by the New York prison association as well as by the Philadelphia prison society. During an existence of thirty years ten thousand persons have, on the recommendation of the former, been discharged from prison without trial, and eight thousand complaints dismissed. A large majority of the persons so discharged, both in Philadelphia and New York, were innocent of the crimes charged; others were very young, and had sinned under mitigating circumstances; and others still were released by consent of their prosecutors, who became convinced that they were wrong in going to law. In all cases the judicial authorities were convinced that the true ends of justice, as well as the best interests of society would be promoted by their release.

Twelve States have societies in aid of liberated prisoners, which are working with more or less zeal and a corresponding success. Massachusetts has a double agency,—a prison society, and an official agent appointed by the State. They work harmoniously together. It is a partnership in philanthropy, and the result is effective work done for God and man. The Maryland prisoners' aid society is one of the youngest of the sisterhood, but one of the most energetic and useful. The California society, too, deserves special mention for its earnest and effective labors. The agencies for saving liberated prisoners are, I think, more thoroughly organized and worked in New York than in any other State. I wish there were more space at my command in which to develop the system employed, and to illustrate its results. The central society, with its seat in New York, has a working committee in every county of the State. The society has been fortunate in securing the co-operation of some hundreds of master workmen, embracing all the chief industries of the State, who have agreed to employ, so far as circumstances would permit, discharged prisoners who show a purpose to change their manner of life. Those bad men are thus changed into good citizens, and the spoliators of society become its benefactors.

Now, what is it that a prisoner, who has formed an honest purpose to lead a better life, needs in the supreme hour of his liberation? First of all, sympathy, which will be like a cordial to his bruised and fainting heart. Then he needs words of encouragement and hope, of wise and affectionate counsel, which will still further refresh and strengthen his spirits. He needs, moreover,



pecuniary help. Some money, or its equivalent, he *must* have; or crime becomes a necessity, unless he is willing to starve. The best provision of this kind would be to allow him some share of his earnings as a prisoner, and not a stinted one, to be retained for him to the day of his liberation. But, most of all, the discharged prisoner needs employment. At the earliest possible moment, therefore, he should be put in a position to help himself. Self-help is the best help he can have, for it gives independence, self-respect, and inward force. Sympathy, kind words, good advice, are all excellent in their place; but they are useless — worse than that, they are mockery — while you leave the man hungry and shivering, with nothing to do. But back your words with acts; give work as well as advice; and then the words and the counsel have a mighty power, — they become living forces in his soul.

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#### CHAPTER XXI. — COMMUTATION LAWS. — PARTICIPATION IN EARNINGS.

THE principle of provisional liberation has not yet been introduced into the prison administration of the United States. The nearest approach to it is the system of what are called commutation laws. These are now found on the statute books of much the larger moiety of the States. Their design is to encourage and stimulate prisoners to industry, obedience, and general good conduct, by allowing them thereby to earn a certain diminution of their terms of sentence. Under the commutation laws of New York, the convict during the first three years of his imprisonment can earn, by uniform good conduct and industry, a remission from his sentence of five days per month; from the fourth to the tenth year he can earn seven and a half days per month, — so that, if sentenced to ten years, he can shorten his term by two years and one month. After the tenth year he can earn a diminution of ten days a month; so that a prisoner, sentenced for twenty years, may shorten his imprisonment by five years and five months, or rather more than one-fourth of the whole term of sentence.

The principle of this law is founded in reason and justice, and the policy established by it is wise and beneficent. The effect of the policy is to change, in some respects (and those not unimportant), the aspect and condition of prison life. In keeping before prisoners a permanent incentive to good conduct, it fortifies the resolutions of many a feeble mind, and counteracts in others the tendency to feelings of despondency, recklessness, and revenge, which their situation is apt to engender, and in which many of

them are prone to indulge. In encouraging them to perform their work cheerfully, it has so far the good effect of converting coerced into voluntary labor; while, as a means of discipline, appealing to the better feelings of all in whom such feelings still have place, and substituting rewards instead of punishments, moral instead of brute force, and hope in the place of fear, its operation cannot be and is not otherwise than healthful and bracing to their moral nature. A law of which all this can be said needs no further vindication. But, tested by experience, it is found to be most salutary. The warden of one of our State-prisons says: "The effect of this law in our prison has been excellent. I think it the most important step in prison reform that has been taken within the last forty years." Another: "No law ever passed in this State has been so marked in its influence for good." A third: "I consider the commutation law a more powerful agency to promote good conduct among prisoners than any thing else that ever came under my observation." Other heads of prisons are unanimous in their testimony to the same effect.

The practice of allowing prisoners a share of their earnings has not been extensively adopted in America, but wherever the principle has been introduced its effect has been excellent. Let me cite a single example. The Allegheny county workhouse at Claremont, Pennsylvania, a correctional prison for misdemeanants, — that is, persons guilty of minor offences, — has introduced this principle into its administration. Its chief industry is the manufacture of kerosene oil barrels, which is carried on in two large workshops in the same building, one above the other. At a certain point in the manufacture the casks are passed from the lower to the upper shop, and the prisoner receiving them at this point is required to finish seven for the institution without any gain to himself, — the average day's work for a free laborer outside being thirteen or fourteen; after which, for every additional barrel completed he gets five cents for himself. Under this stimulus I saw prisoners making twenty-four barrels a day; and the average daily production is from sixteen to eighteen, — equal to, say, one and one-fifth day's work of ordinary workmen in free shops outside. The refining of petroleum is a very extensive business in Allegheny County, and there are many establishments in the county in which it is carried on. At first the proprietors of these factories laughed the superintendent to scorn for thinking that he could utilize the labor of his short-term men<sup>1</sup> upon such a manufacture; but the laugh is now on the other side, for the prison-made barrels actually command five cents a piece more in the market than those made in the outside factories.

Most of the labor in the lower shop is unskilled, and for a time

<sup>1</sup> The average length of sentences in this prison is a little over two months.

the prisoners working there received no part of their earnings. At length the superintendent hit upon the plan of giving to each prisoner against whom there was no complaint at the end of the day a credit of ten cents (half a franc) for that day. The effect of this was magical. I visited the establishment three or four months after the plan went into effect, and not a man in the shop had received a single bad mark. All had regularly gained their credits of ten cents a day. The daily amount of work performed in that shop had also very sensibly increased.

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## CHAPTER XXII. — REFORMATORY AND PREVENTIVE INSTITUTIONS.

CHILD-SAVING work in America, though far from having gained that breadth and completeness of organization which its importance and hopefulness demand, is nevertheless considerable in point of extent, and largely beneficent in its action. It offers a strong contrast to the work of the penal establishments of the country. Our prisons have heretofore been mainly places of punishment, and have done little comparatively to check crime; our reformatory and preventive institutions have checked crime, and in a large majority of instances have wrought a practical reformation of their inmates. Of course, the material is better in these establishments than in the prison,—the inmates are more tender in years, less hardened in crime, more easily moulded, and far less under the slavery of degrading habits. But this is not all. The spirit of our reformatories is that of hope and effort, while listless indifference or despair too often reigns in our prisons. The sentences of young offenders are wisely regulated for their amendment; they are not absurdly shortened as if they signified only so much endurance of vindictive suffering. The whole machinery of the establishment is set in the reformatories for the good training of the child, while in prisons it is too often allowed to chafe and wear upon the moral nature and chill the best aspirations of the adult convict. America has little reason to-day to be proud of her prisons; but she can justly take pride in her juvenile reformatories, from the very beginning of their work fifty years ago until now.

The first American reformatory, and still the largest one, was the New York House of Refuge, opened in 1825, and now established on Randall's Island, within the city limits of New York. It grew out of the efforts made by Edward Livingston, John Griscom, James Gerard, and other enlightened philanthropists, to



train the young in cities to a life of honest industry; and its general plan was adopted by Livingston in his scheme for the administration of justice (and mercy) in Louisiana, which, however, never went into practical effect there. In 1826 a similar reformatory was opened in Boston, and in 1828 another in Philadelphia. All these establishments received boys under sentence, and were supported in whole or in part by grants from the public revenue. But they were not managed by the State directly, nor did they become, legally at least, a component part of the penal system of the States where they existed.

The first step in the direction of forming State establishments of this sort was taken by Massachusetts in 1847, when the State reform-school at Westborough was established by law. Since then the policy thus initiated has been generally followed, and is now adopted in more than half of the States of the Union, while other semi-public reformatories under municipal or private management are found in most of the Northern and Western States, but very few of those at the South. The number of large reformatories in America must exceed fifty, while the smaller establishments are still more numerous. The average number of reformatory pupils in 1877 cannot have been less than 12,000, of whom more than 2,000 were girls; nor does this include the strictly educational or preventive establishments, like the State primary school for poor children at Monson, Massachusetts, the State public school at Coldwater, Michigan, the Boston farm-school, and many other such schools, in which it is probable there are as many more children (say 13,000) in all parts of the country.

The general results of these reformatory and preventive schools are good, as has been intimated. Of the estimated twelve thousand in reformatories strictly so termed sixty per cent at least will be trained into good citizens: some would claim more than this, say seventy-five or eighty per cent, but there are no statistics that bear out this claim. Perhaps the percentage of worthy citizens trained up among the whole twenty-five thousand in preventive and reformatory schools would be as high as seventy-five. The average cost of maintaining each child above his earnings cannot be less than \$100 a year for the whole number,—say \$2,500,000 in all. In Massachusetts a yearly average of more than two thousand such children in large and small establishments, of whom at least twelve hundred were in reformatories, last year cost more than \$250,000 above their earnings, of which at least \$200,000 were raised by taxation.

## CHAPTER XXIII. — CHILD-SAVING WORK IN THE CITY OF NEW YORK.

THE work done in the great cities of the United States for the reclamation and salvation of neglected, destitute, and vicious children, if not all that ought be done, is at least large in extent and remarkable in its results. It would be impossible in a work of this sort to go much into details, or even to state in the most general way what is doing in all these cities. I will therefore confine my exposition to a short survey of this child-saving work in the city of New York, — which, though not the capital, is yet the metropolis of the nation, — into which are poured year by year successive waves of immigrants from almost every quarter of the globe. Vast deposits of impure and vicious elements in the children of these immigrants are thus accumulated at this port. As early as 1848 the chief of police estimated the number of such foreign children, wretched and half-criminal, who were daily wandering through the streets of New York, at more than ten thousand. To the honor of the native-born citizens, the agencies for overcoming and suppressing this evil are measurably at least proportioned to its magnitude.

There are in the city of New York forty-four associations which have in view the redemption of vicious and exposed children, whether foreign or native. The earliest of these was formed in 1834, soon after the visit of De Tocqueville to America, under the name of "The American Female Guardian Society." It is composed, as its title imports, of ladies whose wise activity in the domain of child-saving work has continued without abatement for more than half a century. Some twenty-five years later, contemporary with or following the revelation of the chief of police referred to above, there sprang into being "The Children's Aid Society," the two Missions at the Five Points (then the most wretched quarter of the city), and some years afterwards "The Home for Little Wanderers" in the New Bowery street. The two first-named are by far the largest and most important; and of these the Children's Aid Society, under the general direction of Mr. Charles Loring Brace, holds the pre-eminence. These two societies, Children's Aid and Female Guardian, have together under their care thirty-three industrial schools, — the former twenty-one, the latter twelve.

The object of the Children's Aid Society, which has a world-wide fame, is to save the homeless, vagrant, and semi-criminal children of the city by drawing them into places of instruction and shelter, and then by transferring them to carefully-selected homes in the rural districts. Its work is divided into three branches: (1.) Lodging-houses, where beds are furnished at cheap

rates ; (2.) day industrial and night schools ; (3.) sending out children to the West to become laborers, chiefly on farms. I offer a brief résumé of the work done by this excellent Association in each of these departments : —

1. *The lodging-houses.* — Of these the number is seven, of which one is for girls, the other six for boys : a description of one will give an idea of all. Let us take "The Newsboys' Lodging-house," so called, because it is intended for children who sell newspapers. It is a large brick building, six stories high. When a boy presents himself there, his name, age, birth-place, and the names of his parents are inscribed in a register. If he has money, he is required to pay six cents for his lodging ; if not, two meals and a bed are every day furnished gratuitously. His under-clothing is washed weekly without charge. If he has no shirt, one is given him as soon as it is ascertained that he cannot earn enough to buy one ; but it is a fixed principle to require the lodgers to earn all they can. At first, only the rules of the house are made known to the applicant. Nothing further is said to him, till it is ascertained whether he has a home or not. If the boy has neither home nor parents, it is suggested to him that he go West to find employment in a respectable family. He is counselled to be honest and industrious, and to let tobacco alone. He is told that if he wants employment, he must keep himself scrupulously clean. Generally, when these boys come to the house they are in a condition impossible to be described ; but in a few days the change is so complete that they can hardly be recognized.

The bedsteads are of iron, arranged in tiers one above the other, as in the cabin of a steamboat. As soon as the lodgers are in bed there reigns a profound silence ; all sleep peacefully. A guard remains in the dormitory till eleven o'clock. There are special rooms, containing only two or three beds. The administration prefers the use of these rooms, and notes with a good mark those who choose them. But, to prevent jealousy, their occupants are charged ten cents a night, while the others pay only six.

The establishment has a gymnasium, a bath-room, a dining-hall, a drying-room for boys who arrive with their clothes wet, and a reception-room, which serves also as a school-room ; for in all the lodging-houses there are night schools. On the walls of this apartment are the following inscriptions : "Boys who have a home are not received here." "Boys who desire situations in the country should apply to the director." "Under-clothing washed gratuitously every Friday." "The use of tobacco is strictly forbidden."

The most curious part of the furniture of the reception-room is a large table, pierced with one hundred and ten numbered holes, each large enough to admit a half-dollar. This is the savings bank, where every boy is invited to deposit whatever he can spare from his living. He has only to drop it in the hole bearing his



number. Every precaution is taken to assure the safety of this place of deposit. On each side of the table are two drawers, secured by a triple lock. These are divided into as many compartments as the table has numbers; each of which compartments is also shut with a key, which is kept by the boy to whom it belongs. The sums thus deposited amounted in 1875 to \$3,206, the deposits being made by one thousand three hundred and eleven boys, — nearly three dollars to each one.

Something like thirteen thousand homeless children are annually sheltered in the seven lodging-houses under the care of the Society; and the nightly total average of lodgers is about six hundred. The Newsboys' Lodging-house alone, which was erected at a cost of \$200,000, has received since its foundation over one hundred thousand different boys.

2. *Day industrial and night schools.* — Of the former, as before stated, the number is twenty-one; of the latter, thirteen. The day schools are designed for that large class of children who, though having friends and homes, are too poor and ragged to attend the public schools, and are obliged to be on the street a part of the day engaged in street occupations. To these children a simple meal is given, clothing and shoes are distributed to the more needy, and industrial branches are taught in addition to the common branches.

3. *Sending children to homes in the West.* — The Society began its work in 1853, and that year secured homes in the country for two hundred and seven boys; to-day it sends out from three thousand to four thousand annually, while the whole number for whom it has provided homes must be somewhere between forty thousand and fifty thousand, nearly all of whom have been saved to a life of virtuous industry and good citizenship. A special agent is charged with this part of the service. When a party of children has been made up, and is ready to set out on the journey, an employé of the Society is detailed to accompany them; and he does not leave them till all have been placed. Besides the knowledge of them kept up through correspondence, partly with the children, partly with their employers, they are from time to time visited by agents of the association, who report as to their condition and how they are getting on.

It is, perhaps, hardly proper to speak of it as a fourth branch of the Society's work, yet it is nevertheless true that for some years it has supported a seaside summer home, in which some two thousand children have during the summer enjoyed a week of recreation and country air.

The total outlay, during its quarter century of work, has exceeded \$2,000,000 (10,000,000 francs); and the annual income at the present time, partly from legislative and municipal grants, but chiefly from private benefactions, does not fall much, if any, below a quarter of a million dollars.

CHAPTER XXIV. — CHILD-SAVING AS A PREVENTIVE OF CRIME  
IN NEW YORK.

IT would occupy too much space to go into even the briefest details of the other charitable associations, named and not named, which have co-operated actively and efficiently with the Children's Aid Society in this child-saving work. It is more important to inquire, Has all this work borne any sensible fruit in the way of crime-prevention? Yes, much and precious.

First, as to females. The commitments of females for vagrancy — a term which includes many of the peculiar offences of women and girls — fell from 5,880 in 1860 to 548 in 1871, the latest year for which returns have been furnished by the Commissioners of Charities and Correction. If this class had increased proportionably with the population, the number in 1871 would have been 6,700 in place of 548. The commitments of young girls for petty thieving shrank from 1,133 in 1860 to 572 in 1871; and female "juvenile delinquents" from 240 in 1860 to 59 in 1870. The commitments of female young children fell from 403 in 1863 to 212 in 1871.

Second, as to males. The commitments for vagrancy diminished from 2,829 in 1859 to 934 in 1871, whereas the natural increase according to population would have given, for the last-named year, 3,225. For petty larceny the decrease was from 2,626 in 1859 to 1,978 in 1871, while by natural increase the number would have been 2,861. The classification of the commitments of lads under fifteen years began in 1864, and the decrease is from 1,965 in that year to 1,017 in 1871. The arrests of juvenile pickpockets fell from 466 in 1860 to 313 in 1871. This comparison might be carried out farther, but it is already sufficient to prove the remarkable effect produced upon the growth, or rather the shrinkage, of juvenile criminality since the child-saving work began in earnest in New York on its actual basis as to breadth.

The curative moral power of this work may be shown by a statement of a different kind, certainly no less striking and perhaps even more so. Ten years ago, the Children's Aid Society started one of its day industrial schools in the midst of a population exceptionally vicious and miserable, composed largely of Irish emigrants. The school was overrun with children, the number exceeding one thousand. To-day it is not more than three hundred, having diminished by two-thirds, because of a proportionate diminution of neglected children. Indeed, the manners of that quarter of the city have changed, and the time is foreseen when the school will either become useless, or will have to change its destination.

Let it not be supposed, because I have said so much of what New York is doing, that other large American cities are not equally active and successful. An intelligent Frenchman, M. Robin, who is the foremost man among his countrymen on this subject, in a work recently issued from the press, remarks: "As in New York, so in all the larger cities of the United States. The traveller who visits them is astonished at a state of things quite new to one who knows only the great cities of France: it is the fact, that he sees no children wandering in the streets during the hours of school. This fact is thus explained: The police of the city arrests all the little vagrants and conducts them before the magistrate, who sends them to the industrial schools. It is thus that New York, the metropolis of America, the receptacle of all the impure elements of Europe, is healed by this energetic moral hygiene. There, no more than in other cities, are vagrant children seen in the streets at the hour named."

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#### CHAPTER XXV.—HOPEFUL CHARACTER OF CHILD-SAVING WORK.

THE thing which most strikes one on a survey of this whole preventive and reformatory work is its extremely hopeful character. From its commencement, certainly not less, probably more, than a quarter of a million of children have felt its beneficent and regenerative action. Of these the vast majority have been rescued from idleness, vagrancy, and vice, and subjected for an average of two years or more to the elevating and refining influences of industry, education, and religion. And with what results? Three-fourths of them—that is, nearly 200,000—have been saved, and are leading upright and respectable lives. It may be safely assumed, that, but for the curative influence of these quiet and humble but busy and hard-working reformatories, four out of every five of these boys and girls would have gone to swell the torrent of criminality that is sweeping over the land, whereas now they give breadth and volume to the stream of honest toil that is subduing the wilderness and making it bud and blossom as the rose. No figures of arithmetic or figures of rhetoric can adequately set forth the good which has been accomplished through this instrumentality. There can be no wiser economy than the expenditure that has been made to this end; no cheaper defence of life and property, of the public peace and order, than that which has been devised and so nobly carried into effect by the friends and promoters of juvenile reform. Yet, after all, what are material benefits when placed in the scale



against the higher interest of humanity ; and what the cost incurred in securing these benefits, when weighed against the duty resting on society to multiply the agencies for moral advancement and the means of checking, and if possible preventing, the increase of ignorance, pauperism, brutality, and crime ?

But there is another aspect of the case which has a sad and harrowing interest. I refer to the condition and surroundings of these children before their commitment. More than one half of them were orphans by the loss of one or both parents, and more than a moiety of the rest worse than orphans by the intemperance, brutality, and crimes of their parents. Nearly one half were wholly or virtually illiterate ; the major part were living in idleness, either vagrants or truants ; three-fourths were neglecters of church and Sunday-school, and more than three-fourths addicted to profanity ; more than half were frequenters of theatres, and more than a third habitual chewers or smokers of tobacco ; a moiety had been arrested more than once ; a large proportion were homeless, or otherwise out of the normal family relation, not simply by orphanage, but by having step-parents, or parents who had been separated or were in prison ; and almost all were the children of neglect, of ignorance, of poverty, of misery, of the street, of the dock, — in a word, of evil surroundings and evil influences whose name is legion, and their power well-nigh omnipotent. What a catalogue of exposures, temptations, and perils ! How few and faint the chances of victory in such a battle ! How almost certain the issue of disaster, defeat, and ruin ! Numbers of these homeless, outcast, beleaguered children came to the reformatories with the impression burned into their souls, " Nobody cares for me ! " No language is more common from their lips, on their reception, than such expressions as these : "*I have no friends ; I never had any.*" A task of greatest difficulty it often is to correct this impression, which, so long as it lasts, is fatal to all progress. The effect is sometimes wonderful when the conviction is brought home for the first time to one of these children, " There is one that loves me and cares for my welfare." It is the first violet of spring, whose beauty and fragrance are at once a prophecy and a promise of the bloom and the fruitage of summer and autumn.

## PART SECOND.

## INDIVIDUAL STATES OF THE AMERICAN UNION.

## CHAPTER XXVI.—NEW ENGLAND STATES.—MASSACHUSETTS.

MASSACHUSETTS is not among the larger or more populous States of the Union, but from the start she has led the whole sisterhood in all the qualities that constitute a true and sturdy civilization; and to-day, after the lapse of a century, she holds the same proud position as when, still an infant, she braved the wrath and defied the power of a mighty empire, by tumbling a whole cargo of tea into the waters of the ocean, rather than sacrifice one jot or tittle of principle. In her treatment of crime and criminals, in her system of penal, penitentiary, reformatory, and preventive agencies, she has in the main—I will not here say absolutely and always—shown a pre-eminence in harmony with her supremacy in most other departments of social progress. These agencies include a prison system, a reformatory system, and a preventive system; but these three, and especially the last two, are more or less interlaced,—the reformatory being largely preventive, and the preventive to a certain extent reformatory.

Of penal institutions properly so called,—that is, of institutions having to do with the repression of crime,—there are, exclusive of station-houses or lock-ups, twenty-five; namely, three State-prisons and twenty-two county prisons, divided between common jails and houses of correction, these being about equal in number. Some of them are independent institutions, but the greater number are annexes to the jails, and are under the same roof and the same administration.

The first State-prison was established in 1800 for men and women felons, in what was then a suburb but is now a part of Boston. It has lately been removed to the country, near Concord, a better location for such an establishment. Through the persistent efforts of the women of Massachusetts there has been opened, within the last two years, a female State-prison at Sherborn, quite in the country. Besides these, there is a third State-prison at Bridgewater, under the name of State workhouse, which is a prison for vagrants, drunkards, and other classes of misdemeanants,—mostly men, for the women are nearly all now sent to Sherborn. The aggregate number of convicts at present in the State-

prisons is 1,343 ; namely, 770 in the male prison ; 357 in the female prison ; and 216 in the misdemeanor prison, — showing about twenty-five per cent of women. The original State-prison, established in 1800, has been self-supporting during a little more than a moiety of its existence. During the severe business depression of the last six years it has gone a good deal behindhand ; but it is not doubted, that, with a return of general prosperity, the revenue from the convict labor will again meet all expenses. I have visited and spent a day at the women's prison with much satisfaction. The reformatory agencies are wisely organized, and must show good results after they shall have had time to exert and make manifest their inherent power.

The common jails are, for the most part, used for the safe custody of prisoners awaiting trial who cannot give the required bail for their appearance, for witnesses in criminal cases detained for the same reason, and for persons confined for the non-payment of fines ; there are also a few serving out terms of sentence for trifling offences. The houses of correction are convict prisons for persons convicted of the lower grades of crime, the maximum sentence being three years, as the minimum sentence to the male prison is also three years. The shortest sentence to the women's prison is now three months, too short for a minimum in a prison of its class. A few of the houses of correction are, I believe, or have been, self-supporting from the labor of their inmates. The number now in the jails (May, 1879) is about 450 ; in the houses of correction, 2,300, — total, 2,750. In the winter the number is larger, and rose during the severe winter of 1878-9 to 3,500. The average daily number in all the prisons is slightly in excess of 4,500, and the whole number annually passing through them is 20,000. I am unable to give any account of the lock-ups in the three hundred and forty-five cities and towns, — more numerous therefore than all the other prisons, — beyond the fact that their aggregate estimated annual cost is in the neighborhood of \$50,000. The total annual cost of all the prisons, including the lock-ups, is not far from \$570,000.

By a recent Act of the Legislature, the regulation and management of the penal institutions of the State were made more uniform, though not completely centralized. A State Board of five members, — three men and two women, — appointed by the governor for five years, now manages all the affairs of the State-prisons at Concord and Sherborn, and establishes rules for the county jails and houses of correction, though these are directly managed by the county authorities. The new board has no power of government over the State workhouse at Bridgewater ; but is empowered to transfer women from it to Sherborn, and also to make all necessary transfers of prisoners among the county houses of correction. It is not doubted that the extended powers given



to this new board will enable it to make prison discipline in Massachusetts not only more uniform, but more reformatory as well.

There are three juvenile reformatories, technically so called, in Massachusetts; namely, the House of Reformation, established by the city of Boston in 1826; the State Reformatory for Boys, opened at Westborough in 1848; and the State Reform School for girls, at Lancaster in 1856. The average daily number in all three institutions for last year (1878) was 657, of whom 95 were girls. The girls' reformatory is conducted wholly, the boys reformatory partially, on the family system. The average percentage of reformations is probably seventy or thereabout. The house of reformation at Boston was the second juvenile reformatory in America, having been established in 1826, one year after the mother institution at New York.

The preventive system in Massachusetts is more extended, and no doubt more effective, than the reformatory. First among these institutions (not first in importance) I name the State Primary School at Monson, opened in 1866. It has an average of more than four hundred poor children, such as furnish the material for criminals if neglected and corrupted, as they would be almost sure to be. And here I mention, somewhat out of its logical order perhaps, that the two State reformatories, as well as this State preventive school, were by act of the Legislature in July, 1879, placed in charge of a single board of seven members, of whom three are women. Prior to that date the three institutions had been managed each by its own board. The House of Reformation is administered by the municipal authorities of Boston.

Next among the preventive agencies may be named a considerable number of city institutions, some of them under the title of "truant schools." The total number of inmates in establishments of this sort may be set down as exceeding four hundred, and they are doing an excellent work.

But most important of all the agencies preventive of crime is an institution which was created and has been in operation since 1867, under the name of the State Visiting Agency. It is (1) authorized to attend upon the criminal courts when children under a certain age are arraigned, and may in its discretion, after hearing the evidence, take them immediately under its charge, and place them in suitable families in the country; (2) it is authorized, whenever in its best judgment it thinks proper, to take the children out of the State reformatories, and place them in families as above. It is the duty of the agent and his assistants steadily to visit these children at their foster-homes, and the agency is empowered to continue them there or remove them therefrom, according to circumstances. This is a work of the highest utility, as more than seventy per cent of the children thus dealt with are saved to themselves and to society.

Finally, among the preventive agencies must be mentioned the orphan asylums, to the number of twenty, scattered through the State, with an average aggregate of five hundred inmates. They are doing the ordinary work of such establishments, in the customary manner, and with the usual excellent results.

Something is done to prevent relapse into crime by discharged convicts, both on the part of the State and by private benevolence. There are two prisoners' aid societies, one for men and the other for women, and the State makes an annual appropriation for both, amounting in all to about four thousand five hundred dollars. With this about five hundred convicts are assisted in a year. This part of the prison system, by the recent law, comes under the charge of the new board of prison commissioners, who can, if they see fit, much extend the work of aiding discharged prisoners to support themselves by honest labor.

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#### CHAPTER XXVII. — NEW ENGLAND STATES (*continued*). — RHODE ISLAND.

WE pass to a State among the smallest, in territory and population, of any of the States in the American Union, though by no means the least important in regard to its prison system and prison work. It has but five counties, all of them diminutive in size, and, with one exception, in population as well.

The prison and reformatory system of Rhode Island consists of a State-prison, a house of correction, and five county jails, together with the Providence Reform School, — this latter under the control and management of the municipal authorities of that city. The State-prison and Providence county jail have always been administered by the same board and within the same enclosure; the other four jails, by the counties in which they are situated; the house of correction, by the board of State charities and corrections; and the juvenile reformatory, by the city of Providence as stated above. Ten years ago the board of charities was created, and a valuable farm of several hundred acres was purchased near the city of Providence. Here it was intended to gather by degrees all the public institutions of the State having any thing to do with the criminal, insane, and pauper classes of the population. A new institution was immediately founded at this locality under the name of workhouse and house of correction. There were also erected there, soon after the creation of the board, a new insane asylum, a new almshouse, and lately a small school has been opened for the older pauper

children, under the care and instruction of the chaplain. The farm is large ; the children are entirely withdrawn from the companionship of the adults ; and it is believed, that, placed under the kindly care of the excellent chaplain and his family, in whose house they are lodged, they will have as good a start in life as many of those who are more favored in birth and fortune. The State-prison and Providence jail have lately been removed to the new and admirably-planned and constructed buildings erected for their accommodation on the State farm. It is now proposed to abolish the jails in the other four counties, and bring all the jail prisoners to the State farm ; and this will no doubt be effected in due time. Thus Rhode Island furnishes the most complete example of unification and centralization in the United States. The whole series of institutions on the State farm are under the care of the board of State charities and corrections, — a body which seems to be doing its work with intelligence, vigor, and large success. The average number in the State-prison is less than one hundred. The labor is skilfully managed, and produces a revenue more than sufficient to meet all expenses. A prosperous prison-school is maintained. Popular scientific and entertaining lectures are from time to time given to the prisoners by competent professors from the university and elsewhere. An excellent chaplain holds religious services on the Sabbath. A Sunday-school is kept up with much spirit and the best results, at which volunteer workers from outside assist. One evening of the week there is a prisoners' prayer-meeting, which is well attended and earnestly participated in by the prison inmates. Few punishments of any kind are found necessary, and those which are employed are almost wholly of a moral character. Moral forces have thus largely taken the place of physical. In the new prison no dark cells have been constructed, from a belief that they would never be needed. The cells in this building are of three sizes, the larger being provided with more conveniences than the smaller, and as the prisoners earn better treatment by their good conduct they are changed from the smaller to the larger. A prisoners' aid society has been for several years in existence, of which Mrs. Little, daughter of the late eminent United States Senator Robbins, is president. This lady has collected money and purchased a site for a refuge or temporary home for liberated prisoners, where they will be able to sustain themselves by their labor while waiting for permanent employment, which of course should be secured for them at the earliest practicable moment. The quickest possible re-absorption into the ranks of honest industry, after quitting prison, is the best.

The Providence Reform School has been among the most successful of its class in the country, and has won an enviable reputation for efficiency and usefulness.



So far as I have been able to learn, there are five other child-saving institutions in Rhode Island, as follows: 1. The Children's Friend Society, at Providence. This association has had an existence of more than forty years, and during that time has received and cared for over a thousand destitute children, nearly all of whom have been saved to a life of virtuous citizenship. But for the care thus extended, much the greater part of these children would doubtless have gone to swell the ranks of crime. It has now seventy-seven inmates, nearly equally divided between boys and girls; the former, however, being in the majority. 2. The Providence Nursery, created to give shelter to the infant children of the poor. It is of more recent origin, having been founded some half-dozen years ago. During this time more than two hundred little ones have been clothed, fed, and cared for, till adopted by other homes and friends. Where parents or friends can pay, they are required to do so; where they cannot, the children are cared for all the same, and charity foots the bill. 3. Association for the Benefit of Colored Children. The average number of inmates last year (1878) was thirty, — ten boys and twenty girls. This has been about the average during the twenty-five years of the Society's life. 4. The Home for Friendless and Destitute Children at Newport. Here the average of inmates is about the same; last year it was twenty-seven. 5. The St. Aloysius Orphan Asylum at Providence (Roman Catholic). Of this I can give only the name, having failed in the effort to obtain further information.

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CHAPTER XXVIII. — NEW ENGLAND STATES (*continued*). — CONNECTICUT.

THERE are three classes of institutions in this State, — the penal, the reformatory, and the preventive.

Belonging to the first category are the State-prison and the county jails. The State-prison at Wethersfield, from its foundation in 1827, was, during the twenty years of General Amos Pilsbury's administration, the model institution of the whole country. This is the position assigned to it by the eminent French commissioners, Messrs. de Beaumont and de Tocqueville. But this pre-eminence has long since passed away. However, the present board of directors, appointed by the governor, — non-partisan in character, and serving without compensation, — is a body of enlightened, able, and earnest men, who are determined to restore the prison to its pristine glory, and bring back the bright record of its palmy days.

There is a common jail in each county of the State, — eight in all. They are places of detention for prisoners awaiting trial and for witnesses in criminal cases who are unable to furnish bail for their appearance at the trial. They are also places of punishment for persons convicted of minor offences and sentenced to short terms of imprisonment. They are built by the counties and managed by the county authorities. The result is an utter want of uniformity in construction, arrangement, and administration. There are but three of the whole number which can be regarded as at all what a jail ought to be.

Of reformatory institutions in this State there are two: the State Reform School for boys at West Meriden, and the Girls' Industrial School at Middletown. Both have long been reputed as among the best establishments of their class in the country. The first was founded and is managed by the State; the second by private citizens. The boys' reformatory has a farm of one hundred and sixty acres, which became, under the skilful management of its late distinguished superintendent, Dr. Hatch, one of the model farms of the State. The institution has accommodations for three hundred inmates, with admirable appliances of all kinds, — dormitories, schoolrooms, workshops, playgrounds, etc. It is on the congregate as distinguished from the family plan; but under its present administration — which is in the hands of Mr. George E. Howe, well known and highly honored as the head for many years of the family reform farm-school of Ohio — an earnest effort is being made to modify and improve it by the addition of one or more family houses. This may, and very likely will in the end, lead to an entire change of system in this regard.

The Girls' Industrial School is due to private initiative for its origin, but is largely supported by annual grants from the State Treasury. This is substantially the English system, and is by many, and certainly by the present writer, regarded as the better plan, especially as it gives entire control to the best friends of the institution and secures absolute freedom from outside interference. Moreover, the union of public and private charity — the first to start, the second to maintain — offers strong inducements to the multiplication of such institutions. Then again, — and this is the strongest argument, — the influence upon the children is better and more wholesome, since the breaking them up into families tends at the same time measurably to break up the stiffening and denaturalizing effect of institutional life, to develop the personality, and to give individuality, warmth, and naturalness to the character. The influence and effect of this school is good and only good. Careful examination has shown that at least seventy-five per cent of all who have passed under its actual training and influence have become respectable and self-supporting members of society. The institution was organized, and has from the start been conducted, on the family plan.

It will be impossible to give an exhaustive account of preventive institutions; I can only name such of them as have come to my knowledge. These are: 1. Four Protestant orphan asylums, open to children of every nationality and faith; and two Catholic asylums for the children of that church. 2. A union for home work,—that is, where work is taken in and done in the establishment. 3. A home for the friendless. 4. A boarding-house for working women, where they have board at moderate cost, with the associations and advantages of a respectable and virtuous home. 5. A reading room and refreshment room for news-boys and laboring men. 6. Two homes for the children of soldiers killed in the late civil war. 7. Several associations in aid of the poor, under the care of city missionaries. These are all private charities, though some of them receive aid from the State. They are in divers localities. It would require too much space to give a description of each; it is enough to say that they are all doing good work within their several spheres and according to their special resources.

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#### CHAPTER XXIX. — NEW ENGLAND STATES (*continued*). — NEW HAMPSHIRE.

THE institutions in this State which deal expressly with crime are the State-prison, the county jails, and the juvenile reformatory.

Of the State-prison the standing legislative committee on that institution, in its report for 1878, with equal aptness and truth says, "It is a very poor prison very well managed." Built two generations ago to accommodate one hundred and thirty convicts, it contains to-day one hundred and ninety-four. Every nook and cranny is full. The chapel has been changed into a dormitory; an abandoned workshop has become a chapel; the corridors have been made bed-rooms; and in cases not few two convicts have been put into one cell with space hardly sufficient for a single occupant. This was so throughout the greater part of 1878; yet during the whole of that year the warden, Mr. Pilsbury, reports the condition of things in the prison as "so exceptionally free from every disturbing element" that his "report for the year will necessarily be very brief." It is a relief to know that a new prison is building, "with all the modern improvements." The sole industry carried on in the prison at present is the manufacture of cabinet ware; and the net cash gain during the last year, after meeting all expenses, has been seven thousand four hundred and forty-four dollars. The discipline is strict, but not severe. Refractory prisoners are for



the most part brought to submission and obedience by kind but firm moral treatment. If this fails, the dark cell with diminished food is generally effective. The law which enables prisoners to shorten their terms by good conduct and industry has proved a potent agent of discipline and reform. Prisoners are still men, and if fit appeal be made to their dormant manhood and self-respect, these sentiments will generally re-appear and assert their native force. This is the kind of discipline which it is claimed in the main characterizes the government of this prison. A prison school is maintained for those who need it, and a good library is provided for the prisoners, who make good use of it and greatly profit thereby. Religious services are regularly held on Sunday both for the well and the sick; so are Sunday-schools for both sexes; so is a convicts' prayer-meeting every Wednesday evening. The influences of these various services are reported as indubitably and decidedly good. The chaplain, Mr. Holman, is evidently a man of sterling sense, sterling worth, and sterling humor. I have space only for an example of the last named quality. He says that "some of the books in the library are so clumsy in style and so heavy in matter that to require a convict to read them would be a punishment not included in his sentence."

The county jails, of which there are ten, are not model prisons. The system needs radical reform, as the common jail system does almost everywhere in America. Rather, it needs demolition and reconstruction, — a sweeping away of the old and the bringing in of a new order of things.

The State Reform School near Manchester, established some twenty years ago, was designed as a home for idle, vagrant, and vicious children. To save such children and train them to honest industry was the intent of the establishment, which has been measurably accomplished. Many of the inmates make good progress in the common branches of learning, but their moral improvement is said to be not so encouraging. Nevertheless, the larger part leave the school improved in character, and become good citizens.

A farm is connected with the reformatory, on which all the boys work more or less. In the winter they are employed to some extent in cane-seating chairs, in shoe-making, and in printing. The girls are taught sewing, housework, etc. A system of rewards has been introduced. The boys employed in chair-seating, after completing their task, are allowed a credit of five cents on every additional chair. The farm-boys are permitted to cultivate a patch of land for themselves during play-hours, which last year yielded an average income to each of about ten dollars. The result of this experiment has been extremely gratifying. The trustees report marked improvement in the school under Mr. Ray, its present superintendent.

There are several other institutions not supported by the State which do good and effective work in the way of preventing crime by saving destitute and exposed children, orphans or otherwise.

1. The Orphan's Home at Concord dates its existence from 1866. It began in a small way, but has grown and expanded till it now has a little farm of six acres, with the necessary buildings and other needful appliances for the accommodation of a considerable number of orphans. At present the inmates count thirty or thereabout. Though under Episcopal patronage, no question of sect or nationality is ever raised in the reception of children. Orphanage and necessity constitute the all-sufficient and only claim to admission.

2. The New Hampshire Orphans' Home has one title to distinction besides its object and its work. It occupies the farmhouse and farm of one hundred and eighty acres, in the township of Franklin, where the great American statesman and orator Daniel Webster was born. The thought had its birth in the heart of the Rev. D. A. Mack (an ex-chaplain in the Union army), in 1870, who at once, with the energy and courage of a true soldier, set about raising the funds necessary to begin the work; and in less than a twelvemonth had secured the ten thousand dollars required for the purchase. In June, 1871, the legislature granted a charter of incorporation, which declared that "the main object or purpose of this corporation is to procure a home for the destitute orphans and homeless children of this State; to furnish substantial aid for a time by feeding and clothing them, by teaching them habits of industry, by giving them moral and intellectual instruction; and finally to seek out for them suitable and permanent places of residence where they may receive rewards for their labor, and ultimately become useful members of society, and consequently be saved from pauperism, vice, and crime." On the nineteenth day of October of the same year (1871) it was inaugurated and set apart to its declared objects by fitting ceremonies and speeches, and furnished with president, vice-presidents, treasurer, secretary, board of trustees, board of visitors, superintendent, matron, teacher, and all the other necessary appointments (including one orphan to begin with) "made and provided" for all such cases and occasions.

The eighth anniversary of the Home has just been celebrated with brilliant success. It is a great favorite in the State, and has been from the start. Its real estate and personal property are now, at a low valuation, worth \$20,000; and the permanent fund actually invested or soon to be received—all from legacies—is of an equal or nearly equal amount. Some hundreds of orphans and homeless children (for moral as well as actual orphans are admitted) have passed through the institution, and been provided with permanent Christian homes, chiefly on the soil of

New Hampshire; for the policy of expatriation to the "great West," or even to Vermont and Massachusetts, is not popular. The average number of children for 1878 was forty; the number received, twenty-five; and the number provided with homes, the same.

Mr. and Mrs. Mack as superintendent and matron have been in charge from the first, and more competent and devoted persons it would be difficult to find. Mrs. Mack is said to be to a wonderful degree "the right woman in the right place." All the children call her "mother," and she never fails to be in their confidence and love. She goes to bring the little ones to their orphan home, and she goes to place them in their new homes when they leave it. From cutting up and salting meat in the cellar she is called to entertain distinguished visitors in the drawing-room, and she fills both positions with equal fitness. She is matron, nurse, book-keeper, correspondent-general, counsellor, judge, jury, and executor of discipline, all in one. There is no gap she cannot fill. Now she cuts the hundred little garments, now with comb and scissors she goes the round of little heads (not always a pleasant task with the new-comers), then she sits darning far into the "wee short hours," lest tiny toes be bitten by Jack Frost, and next day she teaches the boys to sew on buttons. With opening spring she leads her little flock to the large garden: how proud they are to carry some implement, or run back on some errand! They watch Mrs. Mack and her son as they form the beds, plant the seeds, weed, hoe, etc.

"I can do that," cries one.

"So you can," she replies, "and each of you shall have a little plot, use the tools, and play farmer. Here, divide these seeds between you, and I will buy all you raise."

"Can't I have this spot?" asks another.

"Yes;" and the little fellow digs and tugs at the sod till he builds a turf wall about his "farm." "My boys are safe for weeks in their gardens," she says. It is real play and real work as well. When the lettuce, the quart of beans, the few ears of corn, the melon, the half-dozen cucumbers come in, she is as pleased and proud as the boys. "Now what shall I pay you in? — money, a knife [that joy of a boy's heart], a book, a toy, or what? You may choose."

How wisely is such pay invested! Next time help is needed on the farm how delightedly the boys enlist in the hoeing brigade, the corn-club, or in any corps to do any work that may be pressing! Once it was two bushels of potato beetles they picked, and saved the crop. Boys so trained will always love farm-work, and farm-work is what they most need to learn.

Ah! this is the sort of place needed for the little waifs of society, — the street Arabs, — be they orphans, or simply destitute,



neglected wanderers. Begin with the child, for the man begins in him. It is important that life start right. There are thousands of children who live in the streets, orphans tossed about by the social wave; others who have parents, but parents who train them to evil. Both these classes are made up of children that follow the great army of crime, — born for it, brought up for it. All this little world is borne along by a current that rushes ever towards the deep sea. We must draw it to the shore. We must wrest it by force if need be from those who ought to save it, but who only speed it towards the abyss; from those who invoke upon it rights only to betray their duties. We must gather, shelter, elevate, educate these little ones; and the place of education is the country, the fields. Make as many tillers of the soil as you can. Field-work is more healthy than shop-work, — to the soul as well as to the body; and the Webster farm is the right spot for this right work: its moral associations are inspiring, its rural charms exquisite. One of the later visits paid to the old homestead by the illustrious statesman and orator was in the summer of 1848. Looking out from the eastern window seaward, he wrote to his son on that occasion: "This is the most beautiful place on this earth. Adopting the language of Alexander Pope when describing his 'Boxwood' I say, —

" 'Here let me live, here let me die,  
And one small stone tell where I lie.' "

What better place can be found for the boys and girls gathered there by the loving hand of Christian charity, and who are

" 'To fame and *fortune* now unknown' ?

3. The Children's Home, Portsmouth, is a new institution, founded in 1877. It receives orphans, half-orphans, children deserted by parents, those made homeless by fire or accident, the children of seamen absent on voyages, and those of poor families in the exigencies of sickness and absence of parents. It is partly self-supporting through the payment of such sums as parents and friends may be able to spare, but the chief support comes from the charity of the benevolent. Friends may at any time remove their children, or they are placed in suitable homes by the institution. Those old enough attend the city schools and churches.

CHAPTER XXX. — NEW ENGLAND STATES (*continued*). —  
MAINE.

THE repressive and reformatory system of Maine, so far as it depends on State action, embraces a State-prison, a county jail for each county, and two reformatory institutions,—one for boys, the other for girls. Until recently Maine has been behind some of her sister States in regard to her penal system. One reason may have been that she had given more attention to the causes than to the cure of crime, to what makes criminals of men than men of criminals. The great question with her has been how to keep her people industrious, sober, and moral, and thereby safe and prosperous. The so-called "Maine law" prohibiting the sale of intoxicants as a beverage is one of the results of this state of public opinion. Nor is this law so far as Maine is concerned a "fanatical whim," as some have thought and said. Three-fourths at least (probably more) of all the crime committed being proximately due to drink, it seemed to the wise and good men and women of Maine that there could be no question where *some* State force ought to be applied. To the people of that State it presents itself as a matter of wonder that any can be blind enough, either through prejudice or ignorance, to suffer an evil of such monstrous proportions to continue its havoc, and thus to necessitate those penal institutions which everywhere appear as exponents of its accursed entail.

The State-prison, having formerly been a heavy expense to the State, has during the sixteen years of Warden Rice's administration been in a condition of great financial prosperity. Mr. Rice has managed the industries as well as the discipline; and taking the whole sixteen years, with an average of one hundred and fifty prisoners, the income from convict labor has come within a very small fraction of meeting all current expenses, including salaries of officers. Every able-bodied prisoner works at some trade, which he is stimulated to become master of so that he may have resources within himself that will in the future diminish his temptation to crime. His educational and religious wants are so cared for under the direction of a chaplain and a school-master that he has no excuse for further ignorance or wickedness. The sanitary arrangements are good, food plenty and wholesome, an occasional holiday granted, when an extra good dinner is given and an opportunity afforded for social intercourse for an hour or two under the eye of the officers and a few friends. Personal cleanliness is insisted on as indispensable to both physical and moral health. It is the aim of the administration to inspire courage in the convicts, to lift them into as high a measure of

manhood as is possible with their actual surroundings, and to fit those whose sentences are not for life to return to society with habits of patient industry, a remunerative trade, and some educational acquirements,—controlled by principles or purposes of integrity and sobriety, and stimulated by a faith and hope that will help them through a great many unavoidable difficulties and discouragements.

The discipline is just and firm, but not carried out in a spirit of rigor. The aim is to govern as little as possible, and never for the mere sake of governing. Officers and trade instructors assume that the convicts will conduct themselves in an orderly and proper manner. Hence there is little necessity for punishment, and little use is made of it. A liberal deduction from the sentence is allowed for good conduct, and whatever time a convict is in punishment is added to his sentence. This deduction from and addition to the sentence according to conduct are found adequate in most cases to induce even the reckless to conform to all reasonable requirements.

The reformatory effect of the discipline is marked and conspicuous. Not more than eight per cent of the convicts return to the prison after their discharge, and perhaps an equal number may find their way into the prisons of other States; which leaves eighty-four per cent as the proportion who, if not reformed, are at least lifted from the criminal classes.

The duties of the directors of the State-prison extend also to the county jails. The jails, though under the special charge of the high sheriffs of the several counties, are under the general direction of the board of State-prison directors. There is thus an approach towards a unification of the repressive system of the State; and, without having reached the desired goal, there is a steady improvement. In five of the fourteen county jails productive labor has been introduced, with its ever attendant blessings of improved discipline, improved behavior, improved character, and pecuniary profit. Quite a revenue is realized by some of the counties. Scholastic and religious instruction is provided for the inmates, and reformatory agencies are applied in the discipline. The directors have power to transfer prisoners from counties where no labor is performed in the jails to those in which the jails are organized with labor.

There is a State reform school near Portland with one hundred and fifty inmates, and an industrial reform school for girls at Hallowell with about one-fourth that number. Both appear to be well supplied with all needful appliances for their work, which is well done, and yields good fruit in large measure.

There is an asylum at Bath for the children of soldiers and sailors who lost their lives in the late "war for the Union." A number of orphan asylums and other institutions of a child-saving



character are found in the State, under the form of private charities, whose names even I am unable to give, and of course can offer no details of their work ; but this cannot be otherwise than good and useful.

Maine has well provided for her unfortunate and criminal population. She realizes to the full extent the responsibility recognized in the act of placing on her shield the word "DIRIGO." She is conservatively progressive, and thus has been making radical, but at the same time wise, advance in her penal, reformatory, industrial, and humane institutions. She believes in a future that will have realizations far in advance of any present attainment ; but she believes also in the wisdom of the old Roman maxim, especially as applied to social reforms, "*Festina lente,*" — *hasten slowly.*

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CHAPTER XXXI.—NEW ENGLAND STATES (*concluded*).—  
VERMONT.

THE penal, reformatory, and preventive institutions of this State are a State-prison, a State house of correction, county jails, a State reform school, homes for destitute children, and orphan asylums.

The State-prison, situated at Windsor, is under the charge of three directors, chosen biennially by the legislature, and a superintendent appointed by the governor of the State. The number of convicts at present in confinement is one hundred and seventy-five, a considerable increase upon that of former years. The discipline is administered with mingled kindness, firmness, and justice. The commutation law, by which convicts can earn a remission of a part of their sentence, is reported as having a benign effect upon them. The sole industry from which revenue is derived is shoe-making. Ordinarily the Vermont State-prison pays its way and earns a surplus ; but for the past two years (1877-78), owing to the depressed condition of trade, it has gone behindhand to the amount of a few thousand dollars. Secular instruction is not required by law, but is given in some form by the chaplain and other officers. The prison has a library of five hundred or six hundred volumes, and a small yearly appropriation is made for it by the legislature. All the prisoners who can read have access to it, and it is much used. A chaplain is on the prison staff, who discharges the customary duties of his office in preaching, visiting the sick, instructing the ignorant, encouraging and counselling the fallen and the erring, and helping all with the truths of religion and the suggestions of good sense to self.

respect, self-control, self-conquest, and self-regulation. Music is regarded as an important aid to reformation, and its use in worship and its practice as a refining, elevating, and moralizing element is encouraged in all who have an aptitude for it. There is no organized agency to extend a helping hand to prisoners on their liberation; but individuals often secure employment for them, or aid them in other ways.

The house of correction, under the name of prison workhouse, was opened only a few months ago. The Act creating this institution was passed in 1876. It first states the object to be the safe-keeping, correction, employment, and reformation of certain persons; namely, (1) Those above the age of sixteen years, convicted of offences of which the punishment by law is fine, or imprisonment in the county jail; (2) Those not less than sixteen nor more than twenty years of age at the time of their conviction, who have been convicted of offences punishable by imprisonment in the State-prison, when the court is of the opinion that the circumstances of the case do not require imprisonment in the State-prison. The statute further provides that persons in jail waiting trial may, at their own request, be transferred to the house of correction, and have an opportunity to earn something by their labor during such detention. It is also provided that all persons punished by fine shall have an opportunity to work out their fines, each prisoner being credited thirty-three cents for each day's work against his fine. All sentences to the house of correction are to be sentences to imprisonment at hard labor. Commodious buildings have been erected at Rutland, and the new institution will undoubtedly prove a valuable addition to the prison system of Vermont.

The common jails, of which there is one in each of the fourteen counties, constitute a much less satisfactory feature in the penal system of the State. The sheriff of the county is the jailer, and has the entire charge and responsibility of the jail. The average number confined in all the fourteen jails is from one hundred and twenty to one hundred and forty, and of these about one in six is a female. In the smaller counties less than a half-dozen are committed to jail in a year, while the two counties containing the most populous towns will perhaps furnish a jail population of twenty inmates each the year round.

The reform school was established in 1865, at Waterbury; was destroyed by fire in 1874, and was then removed to Vergennes, where ample grounds and buildings are provided. A farm of one hundred acres, worked chiefly by the labor of the boys, is attached to the school. In 1876 a girls' department was opened in a separate building, but within the same grounds. It is a well-conducted and useful institution.

A home for destitute children was opened in 1865, at Burling-

ton. It was begun in a private house, but on account of the growing number of inmates and applicants it soon became necessary to provide larger accommodations, and the marine hospital was purchased and devoted to the uses of the institution. Through private benevolence a permanent fund of \$50,000 has been secured for it. At first it was intended only for the destitute children of Burlington, but it is now open to such children from all parts of the State. Up to 1872 one hundred and ninety-eight children had been received, of whom ninety-eight had been provided with homes by adoption or indenture, and several had been discharged, having reached their majority. No doubt an equal number have been received and provided for since that date. The value of the home as an agency preventive of crime can scarcely be computed, and its friends and promoters may well rejoice in the success of their noble work.

One or two other similar establishments have been founded and maintained by Catholics ; but I am unable to do more than state the fact of their existence.

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#### CHAPTER XXXII. — MIDDLE STATES. — NEW YORK.

NEW YORK has been justly named the empire State of the American Union. Her population is nearly five millions, and her capital city of two millions is the metropolis of the entire western hemisphere.

Prison reform has been made the order of the day for this great State. In view of an approaching constituent convention to revise and amend the constitution of New York in 1867, a committee of the New York Prison Association, consisting of Francis Leiber, Theodore W. Dwight, John T. Hoffman, Charles J. Folger, William F. Allen, and others, — the choice men of the State for such a labor, — formulated the draft of a prison article, which the convention incorporated into its new fundamental law. The constitution as a whole was rejected by the people, and the prison article was buried in the general wreck. Subsequently a legislative commission was created, which drew up some special constitutional amendments, — among others, one on prisons, — and these amendments by popular vote became at length a part of the constitution of the State.

In substance the provisions of this article are as follows : A superintendent of State-prisons to be appointed by the governor and senate, and to hold office for five years ; said superintendent to have the management and control of the State-prisons, to ap-



point their wardens, chaplains, and physicians, and in general to have all the powers and perform all the duties heretofore possessed and performed by the board of inspectors of prisons. The clerks (financial officers) of the several State-prisons to be appointed by the comptroller, and the subordinate officers of each by its wardens, subject to the approval of the superintendent.

The chief points of difference between the articles framed by the constitutional convention of 1867 and by the legislative commission of a later date are: 1. The amendment proposed by the convention made the tenure of office of the managers of prisons ten years; that of the commission limits the tenure to five years for the superintendent. 2. Under the amendment of the convention the principal officers — wardens, physicians, chaplains, and clerks — were to hold their offices during good behavior, being removable only for cause and after an opportunity to be heard in their defence; under that of the commission the first three hold it at the pleasure of the superintendent, and the fourth at the pleasure of the comptroller, each having the power to remove them by a stroke of the pen with or without cause. 3. The third difference is, that under the convention's article the subordinate officers were to be appointed by the wardens; under the commission's, the wardens are to nominate and the superintendent to confirm. 4. The amendment of the commission makes no provision for extending the powers and duties of the superintendent beyond the State-prisons at any time, under any circumstances, to any extent, or for any purpose; that of the convention provided that the board of managers should exercise such powers and perform such duties with reference to the common jails and other penal institutions of the State as the legislature might from time to time direct, — thus opening the way without further amendment of the constitution for a unification of the whole penal system of the State, whenever public opinion might demand such change.

The most important of these distinctions is the second, relating to tenure of office of the principal officers; the convention fixing a good-behavior tenure, while the commission makes their continuance in office to depend upon the arbitrary will or even the caprice of a single man, if he chooses to allow himself to be controlled by so unworthy a guide. Now it is a fact known and read of all men, that the supreme force which has blocked the way of reform in our penitentiary system is instability of administration, consequent upon political appointments. The intent of the convention was to destroy this immense obstructive force, and its *modus operandi* was a permanent prison administration in the hands of competent men: I say competent men, for an easy method was provided for weeding out the incompetent. The same end may be accomplished by the plan of the commission, and it may not, — every thing will depend upon the man.

The change of system has been effected, and two years of the administration of Mr. Pilsbury has wrought marvels in the industries and finances of the three State-prisons for men, — averaging in the aggregate some thirty-six hundred inmates. From being an annual charge upon the State treasury of nearly or quite half a million of dollars, they are to-day from the labor of the convicts, besides paying every dollar of current expenses, turning a considerable revenue of hard cash into the public fisc. In closing his second annual report to the legislature the superintendent says: "In conclusion, I remark, that while my efforts have been largely directed to financial reform, this has not been regarded as the sole object to be attained. The welfare of the prisoners has not been overlooked. There has been no deterioration in the quantity or quality of the food and clothing provided for them. Religious instruction has been regularly given on every Sunday, besides frequent ministrations at the cells. Kindly treatment is not inconsistent with strict discipline, and no uncalled-for punishments are permitted. While a large proportion of the prisoners will doubtless continue their criminal career after their release, instances of reformation resulting from wholesome moral influences in the prisons are not rare, and efforts to decrease the number of the permanently-criminal classes will not be abated. Much, doubtless, remains to be done in the way of efforts to solve the problem of the reformation of criminals, especially after the expiration of sentences; but without intending to reflect upon other agencies so far as life within the prisons is concerned, I am satisfied that the employment of convicts at labor which enables them to maintain themselves is one of the most important factors in any efforts to reclaim them."

All this is abundantly confirmed by the last report of the New York Prison Association which has been issued from the press. There is no doubt that as the labor becomes more completely organized, so as to run as it were in fixed grooves, greater attention will be given to the intellectual and moral culture of the prisoners.

It has been already stated that there are in New York three State-prisons *eo nomine* for men, with an average population of thirty-six hundred. There was a fourth, a woman's prison at Sing-Sing under the same administration as the men's; but as all the accommodation there was needed for the men, the women have been removed to the King's County penitentiary. This arrangement will probably be only temporary, as the public opinion of the State is rapidly developing in favor of a female State-prison under the exclusive management of women, except so far as the general powers of the superintendent may be exerted therein.

There is really a fourth State-prison for the younger class of male prisoners convicted of felonies for the first time. It how-

ever bears the name of the State Industrial Reformatory, and is under the management of a special board, of which the superintendent of prisons is a member and (I believe) chairman. This establishment has been sufficiently described in one of the chapters on the "United States in General." The principle of the indeterminate sentence is being worked out there within certain limits; and if the institution prove a success, as there is every likelihood that it will, others of like character will gradually spring up in the other States. There is evidence that in some localities public opinion is already tending that way. Of women-felons in King's County penitentiary and young felons under a first conviction in the Elmira reformatory, together with the asylum for criminal insane at Auburn, the number is from four hundred to six hundred.

The next class of establishments belonging to the penal system of the State are the six county penitentiaries under the control and management of the authorities of the counties in which they are severally situated, but receiving prisoners from other counties under special arrangements. Sentences here range from a few days to ten years, — the average imprisonment being four to five months; and the number is exceedingly small of those sentenced to the maximum term. The whole number received during the year 1877 was 20,258, and the average daily number about 4,000. Of these one-fourth are committed for felonious crimes; so that the average number of felons, men and women, confined throughout the year in the prisons of New York may be set down at 5,000. That 2,000 of the 20,000 received were under twenty years of age shows how important is the question of a prison discipline suited to young offenders; that 2,000 were unable to read is a proof of the connection between ignorance and crime, and demonstrates the absolute necessity for the primary instruction imparted in the penitentiaries; and that seventy per cent confessed habits of intemperance shows a dangerous relationship between inebriety and criminality, and demands the most vigorous and persistent effort to check, and if possible extinguish, a vice found to be so fruitful a source of crime. The penitentiaries are as a rule fairly managed and give fair results, but they might be improved. The tendency of public opinion is towards unification of system and centralization of administration as respects all the institutions of the State having to do with crime.

The county of New York has a workhouse prison on Blackwell's Island for the treatment of drunkards, disorderly persons, and misdemeanants who have committed the more trivial offences. Its average population is from nine hundred to one thousand.

Next come the county jails, of which there is one in every county and two in a few of the counties, — the whole number being something over sixty. The records in most of these jails



are very imperfectly kept, and any figures will be but approximate estimates. It is probable, however, that there may be an aggregate annual commitment to them of one hundred thousand; but these are very far from representing that number of persons, as the pestilent usage exists of an endless repetition of short sentences, which swells instead of diminishing the volume of crime. The general mal-arrangement and mal-administration of these county jails is such that it is scarcely worth while to enter into details. It is more to the purpose, as well as much more gratifying, to be able to state that a growing public sentiment favors a reform of this part of the penal system of the State, which is likely to make itself felt, at no distant day, in improvements of a radical character. The tendency is towards a total separation of the prisoners awaiting trial and those under sentence as misdemeanants, — these latter being placed in correctional establishments and put to work, where they will have something else to do than learn crime-craft and plot crime-commission.

Provision is made to a certain extent in the several prisons (though not in all to the extent to be desired), for the education of the illiterate prisoners in the common-school branches; and in most of the prisons there are libraries, of which abundant use is made by the inmates.

Under the new prison system adequate provision is made for aiding and caring for discharged prisoners. The State itself has now a regular agent for this service, who, as he happens to be also secretary of the New York Prison Association, enjoys every possible facility for his work, which is largely successful.

The reformatory and preventive work of this State, the latter of which especially has a most thorough and effective organization in the metropolis, has been perhaps sufficiently elucidated in the chapters on the "United States in General," — with one reserve, however, that of the work of orphan asylums and homes for the friendless added to but not exclusive of the child-saving institutions already mentioned. Concerning these several classes of institutions the following brief statement drawn from information contained in the eleventh annual report of the New York Board of State Charities (1878) is submitted: —

The number of such institutions in the State of New York, (not all for children, but all preventive of crime) is 147. The amount of property invested in this work is in round numbers \$15,000,000; <sup>1</sup> the receipts from all sources during the year 1877 were \$3,320,436, and the expenditures \$3,144,696, leaving a working balance to begin the next year with of \$175,740. The whole number of inmates on hand at the beginning of the year was 18,612, the whole number received during the year 18,169, the

<sup>1</sup> A small fraction of this is estimated; much the greater part, however, is from actual returns.

whole number discharged 17,175, and the whole number remaining at the end of the year 19,606; so that the average daily number during the year must have been between 18,000 and 19,000 persons. Of the 19,606 on hand at the end of the year 545 were males of all ages exceeding sixteen years, and 3,362 were females of corresponding ages; 8,365 were boys under sixteen, 7,634 were girls under that age; so that just four-fifths were young enough, though many were not old enough, to be received into reformatory institutions.

No one can thoughtfully read these figures without being profoundly impressed with the vast magnitude of New York's charities, and the immense amount of crime-prevention which those charities must effect.

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CHAPTER XXXIII. — MIDDLE STATES (*continued*). — NEW JERSEY.

AT a meeting convened at the house of Benjamin Franklin in 1787, — doubtless for the purpose of creating, or rather of reviving, the Philadelphia Prison Society, — Dr. Rush, who like Franklin was one of the lights of his generation, made this striking remark, the more striking because made a full century ago: "I have no more doubt of every crime having its cure in moral and physical influence than I have of the efficacy of the Peruvian bark in curing the intermittent fever; the only difficulty is to find out the remedy or remedies." New Jersey was long apathetic on this question; but, touched by argument and appeal, she has opened her eyes to the truth that it is not a hopeless endeavor to win back even the criminal to virtue. Within the last dozen years her advance has been greater than in the preceding half century.

The public institutions of the State which are strictly penal are (1) the State-prison, and (2) the county jail; those which are chiefly reformatory are (3) the State reform-school at Jamesburg, and (4) the girls' industrial school at Trenton.

The State-prison, designed for the higher grade of offenders, contained at last report 823 prisoners, of whom 365 were under twenty-five years of age, and 122 were recidivists. When built, in 1833, it was designed for the solitary confinement of the inmates, but the system was expensive and in several respects unsatisfactory. The prison became overcrowded, and the keeper was obliged to confine two, three, and sometimes four convicts in a single cell. The intended entire isolation of each prisoner was therefore abandoned. New blocks of cells were built giving to

every inmate a separate dormitory, — the labor, principally shoe-making, being performed in large and airy workshops.

Since 1870, when the management of the industries was removed from politics, the income from convict-labor has not only met all expenses, but has annually paid a considerable surplus into the State treasury. The aggregate net profit during that time approximates \$150,000.

The prisoners are allowed to earn a commutation of five days per month, with an addition of one day per month for each successive year of good conduct. This law has proved an effective stimulus, in many cases materially shortening the term of confinement. But the opinion is strongly held by many in the State, that a separation of the inmates into grades, with the incitement to improvement of a well-devised mark-system impartially administered, would be a great improvement upon the present plan. The encouragement which such an arrangement might be made to offer to these erring men, inducing self-respect, self-control, correct deportment, and effective labor, till these become habitual, ought not it is thought to be longer withheld. A prison on such a plan is greatly needed to supersede the use of county jails as places for the confinement of persons convicted of minor offences. The partially indeterminate sentence of the New York law of 1877, authorizing the discharge of prisoners on manifest reformation and fitness for citizenship, is a great step in criminal legislation and penitentiary practice. Such are the opinions held by the most advanced of the prison reformers in New Jersey.

The common jails are under the control of the respective boards of county freeholders, elected by the people. The two most populous counties have each a penitentiary, in which convicts not sentenced to the State-prison are employed at breaking or dressing stone. The ordinary county jails are generally comfortable prisons, but are the subject of just criticism from their universal allowance of almost unrestricted intercourse of inmates of the same sex. The young and the old, the untried and the convicted, and in some cases witnesses detained for want of bail, mingle during the day in one common hall. In one jail the females have the same range as the men.

Thirty years ago, on the recommendation of Governor Daniel Haines, the legislature of New Jersey appropriated money and provided for the appointment of commissioners for the establishment of a house of refuge for delinquent youth, — no previous provision having been made for such in any establishment separate from criminal adults. A site near Princeton was purchased, and the foundation walls of a large building were laid. Unhappily the enterprise became involved in the political strife of the day. A succeeding legislature arrested the work; and soon after the unfinished structure, the collected materials, and the land



were sold by law. But the attention of thoughtful citizens had been fixed upon the great need of an institution to give proper training rather than punishment to children guilty of criminal acts. Judges, when compelled to sentence such to the prisons, frequently pointed out the cruel neglect of proper legal provision to that end. In 1864 Governor Joel Parker in his annual message, by a few brief but earnest sentences, again presented the subject to the legislature. This resulted in the appointment of three commissioners, who, after inquiring into the character and influence of reformatory institutions in other States, presented a report urging the establishment of a reform school for boys upon a large farm, with a bill to carry the proposition into effect. This was passed without amendment by an almost unanimous vote. It was a signal triumph of philanthropy over partisan principles.

A farm of nearly five hundred acres was purchased, buildings were erected, and in September, 1867, the first pupils were admitted. The open farm-system was adopted, which has proved eminently satisfactory. The school has gradually increased, until in 1878 it numbered two hundred and eighty-eight pupils, — the average for the year being two hundred and seventy-seven. More than nine hundred scholars have passed under its training; and though its friends have to mourn over the course of some who have subsequently yielded to the evil influences of bad parentage and corrupt association, they have been cheered by the correct conduct of the large majority in different departments of life.

After the establishment of the boys' reform school, the manifest impropriety of sending young girls to prison for pilfering and other violations of law became so generally acknowledged, that in 1870, on the recommendation of Governor Randolph, "The State Industrial School for Girls" was provided for by law, to be under the care of a board of trustees and lady managers. A small farm was purchased just out of Trenton, buildings erected, and a very satisfactory school under a judicious matron established, with from thirty-five to forty inmates. Instruction is given in morals based upon religion, in letters, and in housewifery; and good homes are sought for graduating pupils.

The city of Newark has a home for truant and wayward children who come under the care of the police. It is maintained by the city council, and is doing a beneficent work, having about one hundred and twenty-five inmates of both sexes. They have school privileges, and are instructed in various modes of industry.

Asylums have been established in a number of populous districts of New Jersey for orphan or destitute children. When of fit age they are transferred to suitable families, where they can be trained to useful citizenship. Some of these asylums are of a denominational character, but generally they are the outgrowth of

Christian sympathy, without regard to sect or nationality. There are two schools in Newark under the care of benevolent ladies, where young children are kept through the day, and besides the usual instruction are provided with dinner and a safe play-place; the girls are taught to sew. The number of children shielded by these various institutions has not been ascertained, but the protection given is a most valuable charity, and certainly prevents much crime as well as suffering. To reclaim adult criminals is a difficult problem; to keep the children from taking places in the sad category is comparatively easy. A State which fails in this work is as derelict to its interest as it is to its duty.

I cannot close without going back for a moment to the two State reformatories, and adding a word thereupon. The boys are divided up into families, and they show their appreciation of the plan by not running away. All the appliances of reformation are employed in this school. It is well-governed, well-taught, well-trained, and well-managed in all respects. It is based on the idea of a Christian home, with the steady pressure of kind, moral, religious, and social influences inspiring and directing all its discipline.

The "Girls' Industrial" is charming. All the influences here are holy, purifying, saving. Let one example suffice. Some months ago a very bad girl was in confinement under punishment, but not so far off as to prevent her hearing remarks made in the school-room. In an address to the girls by the matron she caught the words, that "God was more willing to give the Holy Spirit to them that ask him, than parents are to give good gifts to their children," and that by taking heed to his teachings we are enabled to overcome our evil habits and propensities. She was startled, touched, melted. These words applied to her conscience brought her to repentance and amendment of life, which has been fully proved and made manifest by her uniform good conduct and obedience since.

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CHAPTER XXXIV. — MIDDLE STATES (*concluded*). — PENNSYLVANIA; DELAWARE.

PENNSYLVANIA has two State-prisons, called the eastern and western penitentiaries; a large city prison in Philadelphia; two houses of correction, one at Philadelphia, the other at Claremont, near Pittsburg; the common jail system as in the other States; and three reformatories for juveniles, two in Philadelphia within the same walls, one being for white children, the other for colored. There is also a reformatory in the western

part of the State, on a farm, some fifteen or twenty miles from Pittsburgh.

Pennsylvania justly claims a pre-eminent position, which has been willingly accorded to her by the rest of the world, for her penitentiary studies and penitentiary work. She has exercised a potential influence on the public opinion and public action of the world in the penitentiary domain; and she may well feel proud of her achievements and her influence.

The eastern penitentiary, situated in one of the suburbs of Philadelphia, has a world-wide fame. No penal institution anywhere is more widely known or more honorably celebrated than that which, grandly majestic, crowns the gentle elevation that has received the name of Cherry Hill. It is the only institution in America in which to-day the cellular system is applied in its integrity; and even here the system has of late years received a rude shock from such overcrowding as made it necessary to put two inmates in many of the cells, which were never intended to receive, and never ought to have received, more than one each. At the prison congress of New York in 1876, Mr. Richard Vaux, president of the board of directors, made the following statements in regard to this establishment:—

“The system of discipline now used in the eastern penitentiary of Pennsylvania is properly called the individual-treatment system, and is certainly a system which has been followed by great success. Each man comes there from his own acts, and these are personal to himself, and we contend that he should be treated as his personal characteristics require. The prisoners do not work or eat together, and do not see each other; but they can see visitors almost without restriction. The trade-master is the most important officer of the prison. Every convict is taught a trade, is taught to read and write, is restrained from conversation with his fellow-convicts, but is allowed to talk to any one that comes to see him. The surgeon is required to visit all prisoners, sick or well, on the principle that ‘an ounce of prevention is worth a pound of cure.’ We have no arms of any kind, except upon the night watchman. No gunpowder is kept in the prison. In thirty years’ experience we have never heard a pistol-shot in the prison, and no convict has ever been wounded there. Dogs are kept on watch at night as assistants to the guards. They simply bark if any thing is wrong,—that is, when they hear any unusual noise. Manufacturing material is bought at market prices, and the goods manufactured are sold at the same; so that there is no unfair competition with manufacturers who employ honest men. The convicts are allowed pay for over-time. One man supported a wife and family outside of prison by pay for over-work done while in prison. The prisoners cost about thirty-four cents a day *per capita*. Labor is not farmed out nor let out by contract. We are not self-supporting, and I trust we never shall be. When a prison becomes self-supporting, it is just what prisons are not intended to do.”

In answer to a question, Mr. Vaux said that they had cases of insanity, idiocy, and imbecility, but these were not produced by the discipline of the institution.



In a pamphlet on "Crime-Cause," recently published by Mr. Vaux, he thus states the grounds on which he defends the system:—

"The friends of the separate method assert that incarceration being the condition on which punishment is to be applied, it should follow the philosophy of criminal jurisprudence, which separates the person charged with crime from society, tries him as an individual separated from the society he has wronged, and inflicts the penalty of incarceration because it still separates him from association with society; that as punishment is to improve, reform, and restore him again to association with his fellows, it should be directed to his individual needs, as curative remedies are addressed to the individual sufferer; and that any attempt to apply those influences which tend to produce reform or improvement in the individual must be directed to each individual as his case demands, and the result of this application of punishment intended to be inflicted on the individual during his incarceration, and that it cannot be successfully administered except the convict is disassociated from all those who are like himself under punishment for crimes; and also that trade knowledge and secular and moral teachings are more certainly effectual when received by a convict separated from others, because convict association is a resisting power against improvement, rather than aid to its reception. It may be further stated as at least probable that all the influences which it is claimed are either necessary or essential for the reform, improvement, or restoration of those convicted for crimes are either moral or mental; the physical are only incidental. It is certainly most probable that the administration of these influences on individuals in classes is less likely to reach the cases of individuals than if they were directed to each person separately, and free from the consequences of association with the depraved, debased, or incurably vicious. The tendency in class administration of these restoring or reforming applications is to negative by association the larger part of the proposed or promised benefits. While it is true that the natural longings are for social intercommunication, it does not appear probable that convicts are in the best condition to receive the benefits of punishment during incarceration, while they are satisfying this natural longing with the companionship of either a crime-class, or the elements which constitute it. Is not this separation then from the society of convicts, if it is the normal condition of our nature, part of a proper punishment for the wrongs inflicted by the individual convict on the aggregate society out of which he comes for punishment?"

The western penitentiary was established and for more than half a century conducted on the plan of cellular separation; but for the last ten years the separate or individual treatment system has been replaced by the associated, with of course cellular separation at night. The authorities are delighted with the change, and they claim that the prison has gained every way, — in discipline, moral tone, moral power, and in the cheerfulness, alacrity, obedience, self-respect, and manhood of the prisoners as well as in the financial results attained; so that the hope is entertained

that the prison will soon become a source of revenue to the State instead of being a drain upon its treasury. Progress is the word in the western penitentiary, and excellent work is done there for both the material and moral improvement and well-being of the convict population. Their best interests both for this world and the next are held steadily in view, and sought after with well directed and well applied zeal.

Both houses of correction, that in the east and that in the west, are well managed and useful institutions. That at Claremont, Allegheny, has been and continues to be pre-eminently successful in a financial point of view. Last year (1878), with an average convict population of from five hundred to six hundred and average imprisonment of less than three months, the cash income from prison labor, after paying all expenses, yielded a net profit of nearly nineteen thousand dollars.

The reformatories do good work and show good results.

Of the county jails I am unable to speak with knowledge, but with the exception of the few on the cellular system a guess might be safely risked that they are "no better than they should be." Indeed, official reports show them to be in a bad condition.

The work of "patronage" (aid to liberated prisoners); though not all to be desired, is well organized and produces good fruit, both in the east and the west.

Partisan politics, which is the bane of prison administration in all the other States, has never made itself felt as a disturbing element in Pennsylvania. Hence the tenure of office in her prisons is during good behavior; and the consequence is that both the eastern and western penitentiaries enjoy the advantage of experienced and competent staffs; and there is on their part a sincere and earnest purpose for reformation, which is much aided by a regular and even organized visitation of the prisoners by the members of the Philadelphia and Pittsburg prison societies,—a visitation which in the case of the former has the sanction of law and may be claimed as a legal right.

DELAWARE is the smallest State in the Union, and the most backward in its prison system and administration. It has no State-prison, only county jails, the principal of which serves the purposes of such an establishment. Though adjacent to Pennsylvania, which from its foundation has been celebrated for humanity, Delaware still retains—not merely as agents of discipline but in punishment of crime—the pillory and the whipping-post. She finds her account in their retention; for after one or two doses the criminal almost invariably escapes into one or other of the neighboring States of Maryland, Pennsylvania, or New Jersey, which he can do in a couple of hours from almost any point in his own.

## CHAPTER XXXV. — WESTERN STATES. — MICHIGAN ; WEST VIRGINIA.

MICHIGAN is among those of our American States which are most actively and intelligently reaching out in the direction of social progress, including prison reform, and indeed giving special prominence to this department of the science of society. The several classes of institutions in this department are: 1. A State-prison. 2. Two houses of correction. 3. County jails. 4. A juvenile reformatory. 5. A State public school for destitute and dependent children. 6. Sundry other preventive agencies.

The State-prison is the principal penal institution. It was created in 1839, a few years after the admission of the State into the Union. The annual report for 1878, by the warden, Mr. William Humphrey, is a monumental document showing that the prison has an able and vigorous head, and that he is aided by a staff of willing and zealous under-officers. The income from prison labor and the expenditures for all ordinary wants of the institution about balance each other. The exact figures are: earnings, ninety-two thousand three hundred and seventy-eight dollars; expenses, ninety-three thousand two hundred and ten dollars. The industries are the manufacture of furniture, wagons, agricultural implements, cigars, and boots and shoes. The labor is let to contractors. Prominence is given to educational agencies. A good library is provided. A chaplain of extraordinary qualifications as to zeal, industry, devotion, and good sense ministers to the spiritual wants of the convicts. Much and wise attention is paid to sanitary matters; no less than fifty bath-tubs are provided, all in separate rooms. A commutation law, wisely administered, relieves from the necessity of much punishment, and physical force is as far as possible replaced by moral forces in the discipline.

There are two houses of correction, — one municipal, in the city of Detroit; the other of the State, in the town of Ionia. The former has had an existence of nearly twenty years and is already historical. It receives both men and women, but the two departments are entirely separate. In educational advantages it stands pre-eminent among American prisons. In industrial development and success it probably has no superior, and the labor has always been managed by the institution without the intervention of contractors. Though a short-term prison, its earnings have largely exceeded its expenses. The discipline is firm and vigorous, but at the same time just and humane: the use of moral rather than physical force is the rule.

The State house of correction at Ionia was opened in 1877.



It is for male prisoners only, — young fellows between the ages of sixteen and twenty-five, and misdemeanants sentenced for not less than ninety days. It is a solid structure of fine architectural appearance, with six hundred and twenty-four cells, and all needful appointments for comfort, safety, health, work, religious and scholastic instruction, etc. Considering all these advantages, — solidity, beauty, and manifold appliances, — it may well be pronounced a model of economy in building, as the whole cost will not have exceeded three hundred thousand dollars. This institution holds out good promise, but as yet has no history.

The State has seventy counties, and a common jail in nearly every county, with an aggregate average population of about three hundred prisoners, and a force for superintendence of some one hundred and fifty officials. It is the old story, — no work, no instruction, no discipline, no uniformity of structure, the buildings varying architecturally from the log-pen to the imposing stone edifice, and in cost from one hundred dollars to sixty thousand dollars. Here are found in intimate and continuous association the old offender and the wayward youth, — the former relating his exploits, the latter drinking in the fatal poison and burning with desire for similar adventures. The novice thus goes out with all the knowledge of the accomplished rascal save that which comes from experience, which time will give without much delay. Still, Michigan is thinking, planning, and working for a reform of her county jail-system, which she will accomplish sooner or later.

A great change has been made in the State reform school. It was formerly a prison; it is now a Christian home. It was formerly a congregate establishment; it is now, if not wholly yet largely, on the cottage plan. Formerly it was surrounded by a strong prison enclosure and furnished with prison appliances for security and discipline; now no unsightly obstruction shuts out the beautiful world from view, and all bolts and bars, cells and whips have been discarded and cast away. Formerly escapes were not infrequent; now the love of home keeps the inmates within its enfolding and sheltering arms. The elements of true progress and permanent reformation are assured to the institution by cultivating in the boys self-respect, manliness, truth, and honor, and by maintaining a true family government built upon and cemented by mutual esteem and confidence. In fine, the influence of the reformatory in reclaiming these children from vice and starting them in the right direction abundantly appears in the after life of the great majority of them.

Of the agencies strictly preventive of crime the most important is the State public school for destitute and dependent children, at Coldwater. It has been in operation some half-dozen years, and receives children from all parts of the State from the age of four to sixteen years. It has accommodation for three hundred boys

in ten cottages, forming with the other necessary buildings a beautiful little village of itself. It is not intended to furnish a permanent home to its inmates, but to care for and educate them during the period of helplessness in an atmosphere healthy and good until proper homes can be found. Its history is still short, but most interesting. It has already accomplished immense good, but its benefits are destined to multiply and increase through the coming generations. So successful has it proved that the legislature of Michigan at its last session determined immediately to establish a similar institution for neglected and dependent girls.

A preventive institution of great potency is found in the State agency for the care of juvenile offenders, consisting of agents appointed by the governor, one for each county, to act under the direction of the board of public charities. The machinery is too extended and complicated for explanation in a work of this character, and I must content myself with the bare statement of the fact that such an agency exists, and has shown itself to be one of great potency for good.

Numerous preventive agencies of a private character are found in various parts of the State, such as industrial schools, children's homes, homes for the friendless, orphan asylums, etc.; but little more than a catalogue of those known to me, with the briefest description, can be attempted.

1. St. Vincent's Orphan Asylum, Roman Catholic, at Detroit, established some thirty years ago, exclusively for girls who are either orphans, or whose parents have abandoned them. The older inmates are put to trades, or provided with good homes where they may earn an independent and honest living. The institution has a capacity for two hundred children, and is under the care of the Sisters of Charity; its revenue and expenditures amount to about \$6,500 per year.

2. A Roman Catholic home for orphan children at Normal, where some twenty to thirty are well cared for; and, when of the proper age, provided with suitable homes.

3. St. Anthony's Male Orphan Asylum, also Roman Catholic, at Detroit, under the care of the Sisters of the Immaculate Heart, has been in existence about twelve years, and is limited to boys of five to twelve years of age. The asylum provides for an average of ninety to one hundred boys, and seeks to find homes for them in families as fast as practicable.

4. The Protestant Orphan Asylum, at Detroit. This has an income of about \$4,000 from donations and membership fees. It has accommodations for about fifty children, orphan or homeless.

5. The Woman's Hospital and Foundling's Home, at Detroit, Protestant, provides for about thirty foundlings during the year, besides about seventy-five or eighty children born in the institution each year. It expends some \$4,000 annually.

6. The Home for the Friendless, at Detroit, Protestant, beside relief for adults, has generally in its care about forty children, and affords aid to some one hundred and seventy-five during the year. This institution expends about \$5,500 per annum.

7. House of Providence and Lying-in Asylum, at Detroit, Roman Catholic, established in 1869, has usually about fifty children in its care. It receives, beside those born in the house, abandoned children up to five years old. Some six hundred and fifty or seven hundred have been so received and cared for since the house was opened. The current expenses are about \$4,500 per year.

8. The Industrial School, Protestant, at Detroit. The managers of this school are educating, clothing, and furnishing a daily dinner to children whose parents are too poor to clothe them properly for school. About two hundred poor children attend in the course of the year, and great good is accomplished.

WEST VIRGINIA has no child-saving institutions, whether of the reformatory or preventive kind ; at least none under State management. Of its county jails I know nothing, but it is safe to believe that they are not models. Its State-prison is managed by Warden Bridges with intelligence, vigor, and humanity. Its earnings, with two hundred and fifty convicts, nearly meet expenses. If there are points in its administration which deserve criticism, there are others that merit strong commendation.

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#### CHAPTER XXXVI.—WESTERN STATES (*continued*).—OHIO.

THIS is a great State, and greatly intent on penitentiary reform. The repressive institutions here are a State-prison, two houses of correction, and the county jails, which instead of repressing rather foster crime.

The State-prison is in the city of Columbus, the capital, and contains at present, and has for some years contained, a daily average of more than sixteen hundred inmates. The board of State charities curtly remark, that in saying this they say all that is necessary; that, in presence of such numbers, it is useless to add any thing further. This is a well-merited censure of such a vast agglomeration of criminals in one mass. The first reform needed here is to cut this prison up into four prisons at least. This is what in effect the board is aiming to accomplish, not directly but indirectly, as we shall see.

The two houses of correction, under the name of workhouses, are at Cincinnati and Cleveland. They are both municipal insti-



tutions. There seems to be nothing special calling for remark in the condition or working of the first, except that the average daily number of prisoners during 1878 was four hundred and fifteen, and that the expenses were greatly in excess of the earnings. The Cleveland workhouse embraces two distinct institutions; one is a house of correction for adults, the other a house of refuge and correction for children and youths. In the matter of labor and finances the Cleveland establishment makes a very different showing from that at Cincinnati. The adult department here shows an excess of earnings over expenditures in the sum of \$840; while even the children's department (under the name of house of refuge and correction) has more than half paid its way from the labor of the inmates. This result is distinctly claimed as due to the fact that the labor is managed by the institution and not let to contractors, who always take the lion's share of the profits. The average number during the year in the adult department was three hundred and one, and in the child department one hundred and twenty-seven. Both institutions appear to be admirably managed, and to be accomplishing excellent work. The board of managers claim that they have satisfactory evidence that ninety-five per cent of the children who pass through the house of refuge turn out well. This is a very large proportion, and it is to be hoped that there is no error in the statistics. They are to be a thousand times congratulated if they have achieved such a result. I do not pretend to call it in question, but a percentage far below that would win warm eulogy on their administration.

The county jails may be passed with the single remark that, while heretofore they have been mostly mere herding halls for the accumulation of all possible forms of evil both as regards inmates and management, more recently several new jails, erected in accordance with suggestions of the board of State charities, have provided for the classification of prisoners and for adequate drainage, light, air, water, etc. The introduction into this class of prisons of the cellular régime is under consideration.

Before leaving this department of prison work, some notice may be fitly taken of certain propositions suggested and urged by the board of State charities. The first is the establishment by the State of a number of district prisons for the reformatory treatment of minor offenders, tramps, drunkards, etc. The second is the erection of a State reformatory prison for young felon criminals on the plan of the State industrial reformatory at Elmira, N. Y., described in a former chapter of this work. A third is the founding of a prison for incorrigibles, that is, criminals who after a second or third conviction show no disposition to reform. The State of Ohio would do well to heed the counsels of these gentlemen, who are men of ability and practical judgment, and who have broadly and keenly studied this whole question.

The juvenile reformatories in Ohio are houses of refuge at Cincinnati, Cleveland, and Toledo; a reform farm-school for boys at Lancaster; and a girls' industrial home at Delaware. It would be obviously impossible to give a full description of all or any of these institutions. Brief mention has been made of that at Cleveland. Of that at Toledo I can say nothing because I know nothing. The house of refuge for boys and girls at Cincinnati, and the reform farm-school for boys at Lancaster, are old and well known establishments. They are respectively on the congregate and family plans, and have both until quite recently been conducted by two distinguished and able gentlemen, — Mr. Monfort and Mr. Howe; each thoroughly convinced of the superiority of his own system. I acknowledge myself a partisan of the cottage plan; yet I find it hard to say which of these two has achieved the better results. Both have accomplished a noble work; both done excellent service to their State and their country.

The girls' industrial home at Delaware is an institution organized on the family plan. It has been in operation some eight or ten years, but was reorganized one year ago. No change, however, was made in the management, the staff remaining as before. An advisory board of ladies has been added to the directorship, from whose counsel and co-operation much good is expected. It is proposed that two classes of girls be eliminated from the home and placed in other institutions: 1. Young girls ordinarily quite inoffensive, who do not need the discipline of such an establishment and ought not to be subjected to the judicial procedure necessary to their commitment. 2. Older girls who have been corrupted and hardened by prostitution, whose presence must be a peril to the younger inmates.

The preventive agencies in Ohio are neither few nor unimportant; but we can only glance at them. Foremost among them must be named the district and county children's homes, a class of institutions peculiar to Ohio and most excellent in conception and practice. The county establishments of course are founded and managed by the counties; the district homes by two or more counties united for the purpose, the number of counties however never to exceed four. There are now in operation seven county homes and one district home embracing two counties. Their average capacity is one hundred children; average annual cost *per capita* ninety-five dollars. Four additional county homes are in process of construction, and several others projected but not yet commenced. The homes are designed for homeless, neglected, or dependent children, who would otherwise be thrown upon the care of the county poor-houses or forced into beggary or pilfering. Experience approves the plan as affording an effective care at a cost not much if any in excess of the average cost of poor-house inmates; and it is generally popular in the State. The work done is admirable, and so are the results achieved.

A magnificent refuge or home (not of the sort just named however) for friendless children exists in Cincinnati, founded and largely maintained through the efforts of a great-hearted citizen, Mr. Murray Shipley, who is himself a member of the board of State charities. I think our President, Rutherford B. Hayes, takes an interest in this institution. There is another somewhat similar in character and aim in Cleveland, called the Cleveland Industrial School, under the care of a Mr. Waterton, who holds the somewhat odd notion (in which I am rather inclined to side with him) that if the country had more "*form*-atories" she would need fewer "*re*-formatories." He gave this account of his institution at the Prison Congress of St. Louis:—

"In the city of Cleveland there had been a ragged school. It died just after giving birth to the industrial school. This school soon had pupils without a home; but God worked on the minds of good men and women, and a home was provided. Both boys and girls are received. The institution is governed as nearly as may be like a large family, and the religion which can be spelled in four letters—LOVE—is taught. The first step is to gain the confidence of the children; the rest is easy. In seventeen years over five thousand children have been received, of whom a large part have been placed in good families. Every thing has been paid for by voluntary donation. All belongs to the Lord, and cannot be sold; so that the poor and destitute children of Cleveland have an entailed estate, valued at a large sum, which cannot be taken from them."

It is seven years since these words were spoken, and doubtless the record would to-day swell to seven thousand. What a glorious work!

So far as I have been able to learn,—and my information, comes from trustworthy sources,—Ohio has twelve orphan asylums. Of these six are Roman Catholic, with an aggregate average population last year (1878) of 908 inmates; five are Protestant, with a population for the same year of 815; and one Jewish, with 227 inmates. This would be a very large number of Israelitish orphans for the State of Ohio; but the inmates appear to be drawn from the Western and South-western States, as the funds for its support are derived from contributions of Israelites resident in those States. The total average number of inmates in all the asylums of the State is within a fraction of two thousand. The six non-Catholic institutions are wholly supported by voluntary charitable contributions; the Catholic, partly by private charity and partly by different religious orders. The aggregate value of real estate owned and occupied by these orphan asylums amounts to nearly a million of dollars. Two of them have permanent endowments to the aggregate amount of one hundred and fifty thousand dollars. This would make the cash cost of each



child per annum about seventy dollars; the balance of cost must be made up by the children's earnings. The children in these several institutions are instructed in the common branches of an English education, in farm-work, horticulture, and divers industrial occupations. They are placed in good homes as fast as practicable. The whole number of children cared for and trained in these various establishments from the start appears to be a little in excess of fifty thousand. Who can estimate the amount of crime prevented, of virtue confirmed, of misery and shame averted, of happiness secured, and of wealth added to the State through these abundant labors of godlike charity?

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CHAPTER XXXVII.—WESTERN STATES (*continued*).—  
INDIANA.

A BAND of earnest workers in this State are pushing the question of prison reform with great intelligence and energy, but they have just met with an untoward check. After persistent efforts continued through many years, these gentlemen (and ladies too, for the ladies are no less interested and no less active) had succeeded in securing the passage of an act by the legislature materially modifying and improving the prison system of the State. The governor stood ready to give the bill his assent; but the engrossing clerks failed to get it copied in time for him to put his signature to it within the constitutional period, and thus it failed to become a law. It was like losing a prize after winning it and having it in your hand. But these noble workers will neither lose heart nor relax their zeal, but will be ready to present their project anew to the legislative assembly when it meets again two years hence. Possibly public opinion will have been so educated and strengthened in the mean time that they will be able to offer it in an advanced form, so that nothing will be lost but something gained by the delay. Providence commonly works more wisely for us than we do for ourselves.

The repressive and reformatory system of Indiana includes three State-prisons, two for men and one for women; common jails in all the counties; and two reformatories, one for boys, the other for girls.

The two male State-prisons are at Jeffersonville and Michigan City,—the extreme southwest and northwest angles of the State,—those sentenced from the southern portion being sent to the former, those from the northern to the latter. The two prisons are under two different boards of directors and the female

prison under still another ; so that even for the State-prisons there are three distinct administrations with no common bond between them. Truly this may be called decentralization with a vengeance. The labor of the men's prisons is let to contractors. The northern prison has been in recent years self-supporting ; the southern prison was so formerly, but of late has come short from lack of demand for the prisoners' work. Both these prisons are at present overcrowded and put to much inconvenience ; and a demoralizing influence is exerted upon the convicts by putting beds in the corridors, and in many cases placing two prisoners in the same cell, such cell being intended and only barely sufficient for one. The cat, by inferential not express permission of law, is more or less used as a disciplinary punishment. The directors of the State-prison south in their last report oppose it with vigor ; they call it rightly "an instrument of torture, a relic of the dark ages and of human slavery ;" they take notice that "the husband has no longer the right to chastise his wife, the master his apprentice, nor the guardian his ward," and that flogging has been abolished in the army and navy ; they do not believe that society or the public service has suffered by these changes, nor that the spirit of the age any more than humanity or patriotism demands the reinstatement of the lash. Their whole report is wise, catholic, and just, but cannot be further cited in these pages. At the same time justice requires the additional statement that in both prisons moral forces are much more used and much more relied on than formerly, and are largely replacing punishments which affect the body mainly and the mind only through the body, — an influence which as often makes worse as better.

The women's prison at Indianapolis, under the care of Mrs. Sarah J. Smith, is truly a model institution. The average number of inmates is about fifty. The intent is reformation seriously entertained and diligently pursued, and the result is — REFORMATION. Nearly all are saved. No escapes and only one recommittal in five years, — the whole life of the institution. The success is without a parallel in prison annals, and the whole is the achievement of genuine Christian love and Christian work. The Indiana women's State-prison, wholly managed by women, has already made another in Massachusetts ; and will make a third and a fourth and a fifth, and so on in rapid succession, in the other States.

The boys' reformatory at Plainfield is a State institution under the name of House of Reformation. It is after the model of the reform farm-school of Ohio, and is on the family plan ; but the families contain fifty members each. The average number of inmates exceeds four hundred. Their labor is chiefly on a farm of two hundred and twenty acres ; but in winter many are engaged in the cane-seating of chairs and some other mechanical occupations. A portion of each day is spent in lesson-learning,

except when the farm-work presses. There is a commodious chapel, and the children are faithfully instructed in religious and moral duties. The institution accomplishes in a fair degree the object for which it was created.

The girls' reformatory is in the same building with the women's prison but entirely separated from it, and the inmates of the two never meet. The average number of girls under treatment does not vary much from one hundred and fifty. Both are under the same administration, and the success in the juvenile department may be stated in nearly the same words as in the adult department. What is especially remarkable is that a slightly higher percentage of the old criminals are reformed than of the young. Another observation of a very striking character I think it proper to add here. When the first instalment of women — between twenty and thirty, I believe — was sent from the State-prison south to the women's prison, they were accompanied by the chaplain, an excellent and faithful man. In transferring to Mrs. Smith her new charge he said in substance: "Do not expect too much from these women; they are corrupt to the core, and hardened like the nether millstone. I doubt whether you will be able to reform one of them." Well, those women are saved almost to the last one, and to-day they are in good places earning a good living by honest, faithful work. And, I repeat, this has been achieved by surrounding them with the same sort of influences which the Saviour of the world in his day brought to bear on the vile, the erring, and the lost. Since writing the above sentence, I have received from the superintendent a letter, in which she says: "We are greatly encouraged by the success of our prison work; it only proves the power of the gospel when carried to the poor outcast."

There are no strictly preventive institutions in Indiana founded and maintained by the State, but a number of such exist in the form of private charities. There are eight Protestant orphan asylums, — some of them receiving deserted children as well, — situated in various parts of the State, with an average daily population of between three hundred and four hundred. One of these is for colored children. There are probably other orphan asylums under the care of the Catholic Church which have not come to my knowledge. There are also "homes for the friendless," carried on through private benevolence, at Indianapolis, Fort Wayne, Terre Haute, Evansville, and Richmond, all of which receive, care for, and place in good homes deserted children.



CHAPTER XXXVIII. — WESTERN STATES (*continued*). —  
ILLINOIS.

THERE are in Illinois two State penitentiaries, a State reform school, and one hundred and two county jails, besides the house of correction maintained by the city of Chicago. In this enumeration the "calabooses" belonging to the smaller cities, and the station houses of the police department of Chicago are not included. The city of Peoria has also recently established a work-house prison, concerning which I have no information.

The jails of this State are perhaps somewhat superior in their construction to those of most other States. During the past two years twenty-five new jails have been built at an estimated cost of about \$750,000, including sheriffs' residences attached to them. Many of the old jails, however, are still in existence; and the new ones, which are built for the most part on the corridor plan, with double rows of stone or iron cells, back to back, allow of great freedom of communication between prisoners, and afford no facilities whatever for prison labor. In the essential features, therefore, of prison discipline the vast sums of money expended represent no real advance. For several years the State board of public charities have advocated the cellular system of imprisonment for prisoners under short sentences and the substitution of district prisons for county jails, but they have not yet succeeded in securing the necessary legislation. The establishment of district prisons would not only bring a larger number of prisoners together, and admit of the introduction of a system of compulsory labor, but it would transfer the custody of prisoners under sentence for crime to the State itself, whose laws are violated, and whose duty it is to punish the violation of laws enacted by itself.

The penitentiary at Joliet, near Chicago, is one of the largest prisons in the country. The number of convicts confined here is over sixteen hundred, but for want of sufficient cell-rooms many of them contain two prisoners. Reformatory discipline has no enemy so obstructive as these huge agglomerations of criminals. The cells are occupied only by night and on Sundays; during the day the men are at work in association in large shops. The female prisoners, of whom there are less than thirty, are kept in the upper story of the centre building. This penitentiary, in its external appearance and in all its appointments, is very superior, and excites the admiration of every visitor. I do not mention this in eulogy, for I think such costly and ornate edifices altogether unsuitable for the reception and

treatment of criminals. Make prisons as beautiful in form as you please ; but let them be plain, solid, and secure, — *simplex munditiis*. The warden, Major R. W. McClaughey, ranks deservedly high as a capable, humane, and efficient prison officer. The prison is not quite self-sustaining, but nearly so. The labor of the convicts is leased to contractors, and several branches of manufacturing are carried on within the prison wall, — such as boot and shoe-making, saddlery and harness-making, cooperage, stone-cutting, iron-founding, making cigars, etc.

All the moral forces within reach are brought to bear upon these bad men and women (the proportion of the latter to the former being only two per cent) to make them better, — abbreviation of sentence for good conduct ; a well-organized system of industrial labor ; a firm but humane and thoughtful discipline ; the faithful Sunday instructions and week-day pastoral labors of chaplains (Catholic as well as Protestant) ; the prison-school ; the prison library ; prison Sunday-school ; and an active and efficient agency under the name of a "Christian Asociation" composed of convicts, which appears to be divided into two sections, and to hold two meetings after the morning preaching-service every Lord's day. An average of more than three hundred prisoners join the society every year. The names of a few have to be dropped from the roll from time to time as unworthy, but the large majority appear to "run well." Nine-tenths of the members are under thirty years when they are enrolled, and much the larger portion are the "prodigal" boys. The chaplain speaks of the library as "the pride of the prison." It contains over six thousand well-chosen books. The prison-school appears to be doing an excellent work. Many of the convict pupils make as rapid progress as the average of outside scholars ; and one is mentioned who did not know his letters when he entered, yet in three months he had advanced to the Third-Reader class. The directors in their report make a vigorous assault on the principle of life sentences. They also make the rather uncommon statement that the earnings of the women are fully equal to that of the same number of men.

The penitentiary at Chester on the Mississippi River, south of St. Louis, is new and not yet completed. In its construction the labor of convicts is employed. It will be equal in size to the prison at Joliet, and in some respects superior to it in plan. One feature of the new penitentiary will be an asylum for insane convicts outside of the main prison-wall, like that at Auburn, New York.

The house of correction at Chicago, under the control of Mr. Charles E. Felton, an experienced and very able prison superintendent of unusual force of character, is a prison for the punishment of violations of city ordinances. The terms of sentence

accordingly are short; the average sentence is not more than twenty-two days. In spite of this disadvantage the prison gives gratifying financial results, and the labor of the inmates, with the money received for the board of county prisoners, very nearly meets all the cost of maintenance. The number of prisoners received in a year is about six thousand.

The State reform school at Pontiac is, by the decision of the supreme court of the State, a *prison* for juvenile offenders. No boy can be received except under sentence of a court, nor can any boy be retained during his minority, but all must be discharged on the expiration of the sentence. All the inmates have been committed for crimes, and for periods varying from one month to ten years. The average sentence is one year and nine months. Under the decision of the supreme court, the institution fails to meet the design of its originators and best friends; but the internal discipline is like that of a reform school, and the authorities are allowed to discharge boys on ticket-of-leave.

No agency exists in this State for the aid of discharged convicts, nor is there any voluntary society to take the place of a State agency.

Illinois has a board of public charities, charged with the duty of annual visitation and inspection of all county jails and almshouses within her borders, but the board has no authority or power beyond that of inspection and report. The reform school is under the supervision of this board, but the penitentiaries are not.

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CHAPTER XXXIX. — WESTERN STATES (*continued*). —  
WISCONSIN.

THERE are four classes of prisons in this State; namely, State-prison, house of correction, county jails, and city lock-ups. The average number of convicts in the State-prison during the year 1878 was 337; the total number, 503. The average number in the Milwaukee house of correction, 116; entire number during the year, 963. The number in the various county jails on the third day of October, 1878, was 121; the total number during the year was 4,665. The State board of charities have a general oversight of all these institutions; and are expected to visit them at least once during the year. The State-prison is under the control of a board of three directors, who are appointed by the governor of the State and confirmed by the senate. The appointments are for six years, — one going out of office every



two years, but being eligible to re-appointment. The warden and clerk of the prison are appointed by the directors for three years; all other officers and assistants are appointed by the warden, subject to the approval of the directors, and are removed at the pleasure of the warden. One or more of the directors visit the prison monthly, and the full board quarterly; the governor and the State board of charities visit at their discretion. The Milwaukee house of correction is under the control of the board of supervisors of that county, and the county jails are managed by the supervisors of their respective counties.

The discipline of the State-prison is both deterrent and reformatory. The only disciplinary punishment employed is confinement in a dark cell, and this is seldom resorted to. No corporal punishment is inflicted for a violation of prison rules. Sentences are shortened by good behavior. The conduct of the prisoners is generally good. A Protestant chaplain is employed who gives his entire time to the institution; he has the direction of the school and the charge of the library. A Catholic chaplain is employed to make monthly visits for the benefit of the adherents of that faith. The regular chaplain, in his labors for the moral and spiritual improvement of the prisoners, is assisted by volunteer aid from the philanthropic citizens of the village in which the prison is located.

Of two hundred and thirteen admitted to the prison last year (1878) thirty could neither read nor write; sixteen could read, but not write; and one hundred and sixty-seven could read and write, although many could do so but indifferently. There is marked improvement under the instruction received while in prison. There is a library for the instruction and improvement of the prisoners, containing nearly one thousand volumes. The females in the prison are less than two per cent of the whole number. The labor of the prison is mostly let to contractors, and is chiefly employed in shoe-making; it has been employed in this way only for the past two or three years. Thus far the change appears to work well, and certainly has been a success pecuniarily, rendering the prison self-sustaining; while previously large appropriations were annually made from the State treasury to meet current expenses. The sanitary state of the prison is good, and although many of the convicts are received in a more or less diseased condition incident to a vicious life, the average health is as good as it is outside of the prison. The chief cause of crime in Wisconsin is intemperance.

The death-penalty was abolished in this State more than twenty-five years ago, and there is no general desire for its restoration. Statistics show that this State will compare favorably with any in the Union so far as capital crimes are concerned.

There has never been imprisonment for debt in Wisconsin,

and the idea of resorting to it would not be tolerated for a moment.

The reformation of the prisoners is made a primary object of their treatment while in prison, and, as a matter of fact, many of them leave the prison better men than when they entered it.

A prisoners' aid association has recently been organized, comprising among its officers and members, many of the best men in the State, and it bids fair to become a very useful institution.

The county-jail system of Wisconsin will probably compare favorably with that of most of the other States of the Union; but the whole system there, as elsewhere, is a relic of barbarism, and is a disgrace to the civilization of America.

The industrial school for boys at Waukesha is a model institution. Wisconsin, in proportion to its population, has an extremely small number of convicts in her State-prison. There may be several reasons for this, but it is believed by intelligent citizens there, that one very strong reason is that the industrial school for boys takes the material, to a great extent, of which criminals are made, and makes good citizens of it. No question is made of the fact that hundreds who pass through and out of the industrial school, and take their places as good citizens, would have found their way to the State-prison had it not been for this institution. The average daily number in the school exceeds four hundred; the whole number under treatment last year was five hundred and twenty-seven. The family system is employed, and works satisfactorily.

An industrial school for girls has recently been opened in Milwaukee. It contains about fifty inmates.

There is no State, city, or county orphan asylum in Wisconsin. There are, however, in the city of Milwaukee five orphan asylums, — four under Catholic and one under Protestant control. These are private corporations, organized under special charters. They are supported mainly by voluntary contributions, with occasional grants of money from the State or the county in which they are situated. They contain an aggregate average number of about three hundred inmates. There are also two orphan asylums in the western part of the State, both Catholic, — one at La Crosse, the other at Sparta, — with an aggregate average of sixty to seventy inmates. They take orphan children, feed, clothe, educate, and instruct them in some useful occupation; and then find for them suitable homes. They are doing great good, and are recognized as valuable institutions.

There is also an orphan asylum at Green Bay, under Episcopal control; and one at Racine, — founded by a liberal and wealthy citizen, a Mr. Taylor, in accordance with the provisions of his will, — known as the "Taylor Orphan Asylum." These are both excellent institutions, and well managed.

A word in regard to the house of correction at Milwaukee. This prison is for the reception and treatment of vagrants, disorderly persons, able-bodied paupers, and persons convicted of minor offences. The inmates of the house of correction are kept at work in association by day under the rule of silence, and sleep in separate cells at night. The whole number imprisoned in 1878 was 1045, and the average number during the year was 116. With a population of some fifteen hundred thousand, the average number of inmates in the State-prison during the past year was 337; the number of persons confined in the jails of the State, August 1, 1878, deducting the insane (which is probably a fair average for the year) was 121; the average number in the Milwaukee house of correction during the year was 116, — making a total of 574.

The amount of cash earnings for the year was nearly sufficient to cover all expenses, notwithstanding that the average term of imprisonment was only fifty-five days.

It will interest and gratify the opponents of the death-penalty to read the following statements, taken from Governor Washburne's annual message to the legislature of Wisconsin in 1873:

"Since the abolition of the death-penalty, twenty years ago, there have been tried, convicted, and sentenced to the penitentiary for life seventy-one persons in all. Of that number thirty-six now remain, the rest having either died, been pardoned, or discharged by proper authority. There can be no doubt that the change in the law has rendered punishment much more certain, and I but express the opinion of those who have most carefully considered the question, as well as my own, when I state that but for that change in the law at least one half of those heretofore convicted would have escaped all punishment, so difficult is conviction when the penalty is death. In the five years that elapsed from 1848 to 1853 I have no knowledge of more than one person having suffered the extreme penalty of the law. This was not because of lack of offences, but of the extreme difficulty of conviction.

"In the year 1854 the number of convictions for the crime of murder was three; in 1855, three; in 1856, three; in 1857, three; in 1858, five; in 1859, none; in 1860, two; in 1861, none; in 1862, two; in 1863, eight; in 1864, none; in 1865, five; in 1866, one; in 1867, four; in 1868, five; in 1869, two; in 1870, four; in 1871, three; in 1872, one. I have taken some pains to learn what the conduct has been, since discharged from prison, of those convicted of the crime of murder who have been pardoned, and I have failed to learn of any instance where the party had rendered himself amenable to the law. On the contrary, so far as known, they have proved honest and peaceable citizens, extremely careful and circumspect in their intercourse with their fellow-men."



CHAPTER XL. — WESTERN STATES (*continued*). — MINNESOTA.

THE institutions bearing directly or indirectly on criminality are the State-prison, the juvenile reformatory, the county jails, and the orphan asylums, with other preventive agencies.

The State-prison is at Stillwater. The system is that of Auburn, as indeed that of all our State-prisons is, except the one at Philadelphia; namely, associated labor by day and cellular separation by night. The average number is a little over two hundred. The prison is governed by a board of three directors, two of whom are of the dominant political party, and one of the other leading party in the State. The income from convict work pays half the current cost of the prison. The labor is let to contractors. The industries are wooden-ware, barrels, sashes, doors, cabinet-work, and carpentry. The average hours of labor are eleven per day, which is more than in any other prison I know; and too many, I think. The discipline is firm but humane; a kindly and paternal influence is brought to bear on the convicts. Cheerfulness prevails to a remarkable degree; in this respect they appear like laborers, working for wages. Bodily afflictions are not used; even in punishment the dignity of manhood is respected. By industry and good conduct prisoners can earn a deduction of six days per month from their terms of sentence, and for every day so earned they are credited with an amount equal to that paid by the contractor to the State for a convict day's work, which at the present time is forty-five cents. During the last year the sum of \$6,498 was so earned. Substantially that law governs the prison; very little else is needed. On the Fourth of July, Thanksgiving day, and Christmas an extra good dinner is furnished, and large liberty of recreation and converse is allowed, not only without injury, but with advantage to the discipline. Rehabilitation follows by law a continuous course of unexceptionable behavior through the entire term of imprisonment. The utmost cleanliness is enforced. Bathing is required as a duty. Luxuries are not provided, but the food is of good quality, well cooked and served, and in abundant quantity. Variety of food is provided in order to a healthy tone of the digestive organs. The services of both Protestant and Catholic chaplains are employed; but there is no prison school, — a grave and unaccountable omission, where so much else is done and well done. However, a library is provided which is freely used.

Minnesota is a new country, and the major part of her county jails are of a primitive sort, but in several of the larger cities they are creditable buildings, however defective the management may be.

The State reform school for children of both sexes is an excellent institution, on the family plan, — one of the best in the country. It is on a farm of sixty-three acres, near St. Paul, with large fruit and vegetable gardens, the whole worked by the boys. There are also a tin-shop, a shoe-shop, and a tailor's shop, in which the children learn and work at these trades ; but the school-room is the great workshop. The inmates are well fed, well clad, well taught, and well cared for in every way. They are allowed plenty of play, yet they have plenty of work as well, — both head-work and hand-work. Home influences are those chiefly relied on. Rewards and punishments are of the natural kind ; the dark cell is never used, and all the ordinary appliances of prison discipline are put aside. Religious instruction is carefully imparted ; our obligations to God, our accountability to him, and our duties to our fellow-men, together with the noble rewards which attend a life of virtue and the awful penalties of a life of vice and crime, are continually held up as motives to the conquest of evil passions and a patient continuance in well-doing.

As regards strictly preventive agencies, the official " Statistics of Minnesota for 1878 " show that there are five orphan asylums, with a probable average population of more than one hundred and thirty, and involving an annual cost of \$12,000 to \$15,000. It is not unlikely that there may be others, with more homes for destitute and exposed children founded and maintained by private charity ; but of these, if there are any, I know nothing, and can make no report.

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#### CHAPTER XLI. — WESTERN STATES (*continued*). — IOWA.

THIS State is wide awake on the question of prison discipline and reform, and, though " not having as yet attained," it is continually " going on unto perfection." It may be fairly pronounced one of the banner States of the Union in its penitentiary system and administration. This system embraces two State-prisons, common jails in most of the ninety-eight counties, and one State reform school.

The principal State-prison possesses the advantage of having for its head, in Major Craig, a wise, able, and faithful warden ; in fact, a model prison-officer in all respects. It is his aim to secure order, industry, and obedience, by winning the confidence of his prisoners and inspiring them with hope. They are shown that his relation to them is not one of choice but of duty, and that whatever he requires or forbids is no mere exhibition of his power or their weakness, but is all done for their own good as

well as that of society. They are recognized as men, — offenders certainly, but still men, — entitled to and accorded just such treatment as their conduct logically challenges. Authority is never exercised to show its existence, but only for purposes of needful discipline. Firmness, patience, justice, and impartiality are the qualities most constantly and conspicuously displayed by the administration. Refractory, contumacious prisoners have become extremely rare, and punishment of any sort equally so. The lash has been banished in *secula seculorum*. When punishment becomes necessary, the mildest forms are sufficient. A few hours in a darkened cell, carrying the ball and chain an hour or two, and withdrawal of the liberty to attend Sunday-school are among the severest disciplinary inflictions. Of these, strange as it may appear, the last is reported as the most effective. Better than all forms of punishment are kindness and appeals to manhood and conscience. These agencies are the rule; all others the rare exception. In the voluntary obedience of its inmates the Iowa penitentiary stands in the front rank of American prisons.

A controlling factor in the discipline is the prison library. Every prisoner is advised and encouraged to fill up his leisure hours in reading books. Such employment serves the double purpose of storing the convict's mind with information and diverting his thoughts from brooding moodily over his condition.

The Sunday-school has proved itself to be in the Iowa State-prison one of the most potent agencies in its government and discipline. Of the many hundreds of convicts who have been under Major Craig's care there is scarcely one upon whom it has not sensibly operated to repress his evil passions, and to quicken and fortify his better purposes. There is no compulsion as to attendance, but at least four-fifths are always there. Among other leading citizens, male and female, who assist is one of the justices of the Supreme Court. As Lord Hathaway and Sir Roundell Palmer taught Sunday-school classes for forty years at Westminster Abbey, so has Judge Beck long instructed a class of convict scholars. No "lower depth" is so deep that the hand of the Master cannot reach down to it; and Judge Beck has been for these many years the willing bearer to the prisoner of Heaven's living and saving messages.

Another most effective instrumentality in convict reformation has been found in the prison school, held every night after the day's work is over. A regular school-house has been erected within the prison walls, which is furnished with all the best appliances for common-school instruction. There is always moral power in pleasant surroundings. So it has been found here. The classes which nightly meet there have felt the softening, humanizing influence of that cheerful school-house, brightly lighted with gas, and furnished with desks and seats of the most approved



pattern. It brings back school days of "auld lang syne;" it speaks of the good-will of the State to its erring children; it leads even criminals to feel that they can, and to resolve that they will, begin life over again. The impulse given to the school by the new house was magical. The effect upon the temper and manners of the men was as marked as on their intellectual progress.

The chaplain's work is broadly, wisely, vigorously, and successfully pursued.

Of the food of the prisoners Major Craig remarks, and our best and wisest prison governors therein agree with him: "An ill-fed person is in a mood for mutiny. Hunger will incite rebellion that only death itself can subdue, if it be not appeased. It follows, therefore, that the food of convicts should be both wholesome and sufficient, — this for merely disciplinary reasons. But humanity requires that it should be good and ample. Condemned to 'hard labor,' compliance with the sentence would be impossible if the convicts were but poorly and insufficiently fed. Hence I have deemed it among the most important duties imposed upon the warden to exercise all needful diligence and care in procuring the various kinds of food for the prisoners. Of the kinds used only the best that is attainable is bought, believing it to be alike a wise economy and a humane duty. Of meat-food, well-fattened beef is the principal. Pork is also liberally furnished, with occasional supplies of fish. Light bread, made of the flour of both wheat and corn, is supplied to the full extent of the demand. Coffee is furnished twice a day. The national holidays are signalized to these unfortunates by a generous dinner comprising chickens, sweetened bread, and some seasonable fruit; and whatever the fruit may be in kind it must be the best in quality, and in quantity equal to the requirements of the most exacting appetite."

The common-jail system in this State, as in the others, needs radical reforms; needs, rather, revolutionizing.

A State reform school was established eleven years ago, the results of which have been satisfactory.

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#### CHAPTER XLII. — WESTERN STATES (*continued*). — KANSAS; COLORADO.

**K**ANSAS has no reformatory institutions, only a State-prison and county jails. The average daily number of inmates in the former is about four hundred and fifty. The labor, counting that which is expended in completing the prison building, fully

meets all current expenses. The labor is managed by the State. This system is preferred in Kansas, as contractors are seldom found to take any interest in the reformation of their men, their great aim being to make as much money out of them as possible. The supreme idea of the discipline in the Kansas prison is to make better men of those sent to it, and at the same time so to administer it as to deter others from that which will send them there. The idea of Warden Hopkins is, that if you make the discipline corrective you thereby make it repulsive, since correction is naturally repugnant to the human heart.

Chapel services are performed by the chaplain every Sunday. All are required to attend ; but after this service a prisoners' meeting is held, at which all who wish may remain and participate. A prison school has been organized, in which primary instruction is given to all who need it. The prison is supplied with a well-selected library. The prisoners share in their earnings to the amount of one dollar a month, conditioned on the observance of the prison rules. Abbreviation of sentence and restoration to citizenship may also be earned by good conduct. Such trades are taught, so far as possible, as may be practised in the State after discharge. Sedentary trades are excluded so far as may be. Violations of prison rules are always noticed in some manner, but punishments are avoided in every case where the same result can be reached by other means.

I have no special information touching the county jails of Kansas ; but it is fair to conclude that no great loss will come of this ignorance.

As already stated, Kansas has no reformatory institutions for juveniles, but she has in contemplation the organization of such an establishment at an early day. However, she has preventive institutions, though not *co nomine*. There are two orphan asylums, a Catholic and a Protestant, which are doing much for the destitute and dependent children for whom they are intended. Good homes are secured for all their wards when they reach the proper age, and they are watched over with a kindly vigilance after their discharge.

There is another preventive institution at Leavenworth, under the name of "Home for Friendless Women." Much good has been accomplished by its agency ; it has been the means of saving many from a criminal life.

COLORADO is the youngest of the American sisterhood of States, having been admitted into the Union in 1876. Its prison system however is not entirely new, as of necessity it had prisons while still in a territorial condition. But its penitentiary affairs are yet in an inchoate and formative rather than a complete and perfected state. At the same time, enlightened views in the main

seem to be entertained by those in authority, and much zeal and activity are displayed in pushing matters forward. There is no doubt therefore that rapid progress will be made, and that Colorado will in the course of a few years be in possession of a prison system that will be a credit to the intelligence and humanity of the State. In his last annual message the governor makes two important recommendations: one, that a juvenile reformatory be immediately created; the other, that life-sentenced men should become entitled to a pardon after an unexceptionable prison record of fifteen years. He does not think it either right or wise to extinguish hope in the breast of any human being. The board of directors and the warden unite in recommending that a permanent chaplain be appointed who should also serve as teacher to the illiterate prisoners.

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CHAPTER XLIII.—WESTERN STATES (*concluded*).—  
NEBRASKA.

THE prison system of this State embraces only the State-prison and the county jails. It is held in Nebraska as strongly as anywhere that prisons are for the protection of society against crime; but it is believed that this protection may be accomplished either, first, by depriving criminals of their liberty, or, secondly, by effecting their reformation. They do not deny that criminals should be punished, but they protest against making the punishment vindictive. They hold with Paul that vengeance belongs to God and to him alone, since he alone is omniscient. Hence they give prominence to the reformatory element in punishment. It is made a primary aim of the State-prison to educate the head and heart, to reform and elevate the prisoners; and so to make them feel that they can win back what they have lost, and be prepared socially and morally to re-assume citizenship and enter anew upon the honorable duties of free life. The incentives to good conduct are diminution of sentence, appeals to manhood, and Christian sympathy and kindness; a schoolmaster, a prison school, and plenty of good books come in as helps. God's Word is preached in the chapel and studied in the cell. A Bible-class is held every Sunday, in which the prisoners take a lively interest. Vocal music is taught, and from the prison vaults songs of Zion ascend daily. Instructive lectures are from time to time delivered to the prisoners. A debating society has been formed by them and meets weekly. Religious and literary papers of unexceptionable character are supplied for their reading. The lash is abolished,



and so is the striped prison-garment. Disciplinary punishment is almost unknown. The spirit of the treatment is shown in the following extract from a speech made by the warden, Mr. Wyman, in the National Prison Congress of New York, in 1876:—

“The first thing the warden of a penitentiary should look at is the reformation of the man. Begin the day he comes in. I am in charge of the Nebraska penitentiary, where we take Indians. I have six Indians all under life-sentences. When they came there they could not read. Now they can all write respectable letters, and some of them very fine letters. I have had all classes of men. Suppose I and my predecessors had had no idea of reform; suppose we had had the idea that a prison is for punishing, and nothing else,—those men would go out as bad as they came in, and probably worse. The idea of a prison superintendent should be to make the men better. The man put at the helm of the ship should understand his duty. He should know what his men require, and should make his work a study; and when he finds that it is for their benefit to have a certain thing, it is his duty to administer it without regard to public opinion. That is the way the prison warden should stand,—not fettered by public opinion, but should manage his prison with a conscience and with a view to making his men better. Now I propose not to be too personal in the matter, but to give you a few ideas of how the prison of which I have charge is conducted. We have but a small number of prisoners,—less than eighty. We have not a dark cell in the prison. We sometimes go three months without punishing a prisoner. The best men I have to assist me are my convicts, whom I have encouraged. I have men there that I would be proud to bring into this congress. Not but that they came there bad men; they had a fair education, had fallen into the snare, and got into the penitentiary. But they are now better men than perhaps one tenth part of the men who are outside and have not been caught. Now when you say to me that the majesty of the law must be upheld, I reply, ‘Very good, very good; but how is it to be upheld? Simply by punishment? By using the dark cell, the lash, the thumbscrew?’ There is no better way to uphold the majesty of the law than to make the prisoner a good man, and let him vindicate it when he goes out. I might talk considerably on this matter, because I am interested, because I love the work I am engaged in; and I won’t have the man around me who does not like it.”

Of the county-jail system and its administration I can say nothing because I know nothing.

Nebraska is a new State with a small population, and has not as yet any reformatory institutions.

## CHAPTER XLIV. — PACIFIC STATES. — CALIFORNIA.

CALIFORNIA is the Queen State of the Pacific coast beyond the Rocky Mountains, — a State as distant from Massachusetts as Berlin is from Boston. Thirty years ago she had scarcely ten thousand inhabitants, and San Francisco was an insignificant village; to-day she approaches a million, and the little hamlet has become an imperial city, the metropolis of an empire, — one of the greatest and busiest marts of commerce on the face of the globe. There she sits in queenly majesty and grandeur, with her thousand miles of sea-coast, and gold enough in her mountains to supply the world with coin.

California has lately framed and adopted a new constitution. It is severely criticised both there and throughout the Union. As regards the points of attack I know nothing, and therefore say nothing. But it contains one article, in six sections, which places her in the forefront of all States on the North American continent in the matter of prison reform.

Section first creates a board or commission of five prison directors to be appointed jointly by the governor and senate, and to hold office for ten years; one going out at the end of every second year. They may be removed for cause after a full hearing before the governor, but not otherwise.

Section second places the State-prisons in the hands of this board, and authorizes the legislature to invest it with such powers and charge it with such duties as it may see fit as regards the other penal, reformatory, and preventive institutions of the State. It thus provides for the unification, whenever the legislature may think proper, of the whole system and series of institutions looking to the repression and prevention of crime, and the centralization of the powers of government and administration in the hands of the board.

Section third gives authority to the board to appoint the warden and clerk (or financial officer) of any and all State-prisons, with power to remove them, but only for misconduct, incompetency, or neglect of duty; thus making their tenure of office for life or during good behavior. It further empowers the board to determine the number and functions of the other officers of the prisons, and authorizes the warden to appoint and remove, in his discretion, all subordinate officers, subject of course to his general responsibility to the board. It thus gives to the officer on whom it places the sole responsibility for the general management of the prison the power to make that responsibility effective.

Section fourth provides that the members of the board shall receive no salary for the services rendered by them, but shall

simply be paid back moneys expended in the discharge of their official duties. This, at first blush, might be thought a policy unwise and penurious. Perhaps it might be vindicated against both charges, if the motive be considered which prompted it. In the first place, it was no doubt intended to prevent a scramble for the office by fourth and fifth-rate politicians. Next, although it will exclude some men eminently qualified for the service, there must in a great State always be men who do not need the salary, and yet who would be willing to serve from the double motive of honor and public spirit; in other words, for humanity and the good opinion of their fellow-citizens. Look at the immense services of this sort rendered by the unpaid magistracy of England, which could not be bought for millions of money.

Section fifth authorizes the legislature to pass such laws as may be necessary further to define and regulate the powers and duties of the board, the warden, and the clerk, and to carry into effect the provisions of the whole article. This section provides the machinery for securing a prison bureau, with a secretary or chief at its head on a salary sufficient to obtain ability and experience of the highest order in the country, — and none other is admissible in such a position without the sacrifice of interests vital to the well-being of the State.

Section sixth provides that after the first day of January, 1882, the labor of the convicts shall not be let out by contract to any person, copartnership, company, or corporation; and that the legislature shall by law provide for the working of convicts for the benefit of the State.

Such, then, is the actual fundamental law of California in relation to this great question. It is difficult to see how, in a government like ours, prison management could be more effectually removed on paper from the domain of party politics. It remains only that the execution be carried out in the spirit of the theory with intelligence and vigor.

I will add but a few lines on the state of the prison question as it exists at this moment in California. There is one State-prison in actual operation, with a population of 1,318; but a second or branch prison is in process of construction. There is neither resident medical officer, nor stated chaplain; but an able non-resident physician prescribes for the sick prisoners, and religious services are regularly held every Sunday, conducted in turn by the clergymen of San Francisco. A prison-teacher is employed, who gives lessons daily to the prisoners under age, of whom the number exceeds two hundred. There is a house of correction for misdemeanants and young criminals convicted of felonies in the city of San Francisco, under control of the municipal authorities. Terms of sentence here range from three months to three years. Each county has its own common jail, in charge of the sheriff of



the county, whose term of office is for four years. The jails are for prisoners awaiting trial on a charge of felony, for persons detained as witnesses in criminal cases, and for those under sentence as misdemeanants. They are not model prisons. The larger cities have station houses or lock-ups, in charge of the chief of police. These are for persons waiting trial for misdemeanors, or examination on charge of felony ; or for those convicted of a violation of police regulations, and sentenced for a few days, one or more. There is an industrial school near San Francisco, but it does not appear to be of great account.

One of the most energetic, active, and useful among the prisoners' aid societies of America is the California prison commission, of which the Rev. James Woodworth is secretary.

California seems well provided with child-saving institutions in the form of orphan asylums and homes for the neglected and exposed waifs of society. The legislature, too, is liberal in its contributions to the support of these institutions. For every orphan by the loss of both parents it allows one hundred dollars a year to the institution having charge of it ; and for every orphan by the loss of one parent, seventy-five dollars. Altogether the number of these institutions exceeds twenty, and the number of inmates is over two thousand. Nearly three-fourths of the children are in Catholic, forty-six in Jewish, and the remainder in Protestant asylums. The amount paid by the State for their support is about \$150,000 ; the balance is made up from earnings of the inmates, private contributions, and revenues from endowments. The good accomplished is immeasurable and in manifold directions. It would be interesting to enter into details, but lack of space is an insuperable bar.

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CHAPTER XLV.—PACIFIC STATES (*concluded*).—OREGON ;  
NEVADA.

OREGON is twin sister to California, though much behind her in population, trade, mineral resources, and their natural results, — large towns and large wealth. This State has at present but two classes of institutions that deal directly with crime, — a State-prison and a system of county jails.

The State-prison will compare well with those of many of the older States. The system is that known as the congregate, and the State lets the time and labor of a portion of the convicts, furnishing buildings and water-power to contractors, but controlling the prisoner throughout his work. The penitentiary building

is well constructed, with central octagon and two wings, abundantly lighted, and having the cells in two double tiers down the centre of each wing. Each cell is  $9 \times 6 \times 8$  feet, containing 432 cubic feet of space, and has two inmates, — a bad system ; worse, in important respects, than larger associated wards. The general management is kindly but firm. A system of small rewards, merit-marks, etc. is in use, but not arranged in any very systematic or at all in the progressive way. The men are worked in gangs under the eye of a guard upon the walls, but not in charge of sub-officers to work with them and hear their conversation ; nor are they subject to control or supervision in these respects in the factories. The punishments are the cancellation of merit-marks, shackles (seldom used), and throwing a stream of water from a hose upon the exposed body, which must be extremely severe if not positively cruel, and therefore objectionable. The subject here, as too often elsewhere, kept most prominently before the public and the prison officials is the financial one : given a prison, how can it be made to cost the least possible sum consistent with discipline and health ? There have not been wanting voluntary efforts towards the religious training and education of the inmates, and these in some years seem to have been well organized and efficient ; but the people of Oregon, as of some other States, do not yet seem familiar with the idea of a prison in which, in the interest of public security and real economy, the reformation of the criminal takes precedence of every present pecuniary consideration.

I take a few sentences from the last report of the warden, who appears to be an able, practical, and energetic man. He says : "No immoral conduct on the part of prisoners, officers, or employés is allowed. Profanity, card-playing, and intemperance are strictly forbidden. Prisoners are taught the meaning of the word 'penitentiary' to be a house of correction, in which offenders are confined for punishment and reformation, and that its object is both the protection of society and the amendment of the criminal. I have endeavored to make the prisoners better men, and if possible to fit them for becoming on their release good citizens, able and inclined to earn an honest livelihood instead of preying upon the community."

No adequate provision is made for the discharged, nor is there any prison society or prison agent in the State.

In common with the other States of the Union, Oregon has the system of county jails, which many of the citizens of that State regard as legalized schools for fostering, instead of prisons for repressing, vice and criminality. These jails are in many cases unsafe and unhealthy, and in no case do they admit of classification. Other means of repressing or preventing crime will largely fail, so long as this limbo is tolerated. What is needed, in Oregon as elsewhere, is, first, a system of detention houses for the safe-

keeping of prisoners waiting trial ; and, second, a union of several contiguous counties for the purpose of establishing proper district prisons, in which classification, separation at night, and industrial labor by day shall be primary conditions.

Of reformatory or preventive agencies Oregon as yet appears to have none. There have been efforts made, twice during the past eight years, to interest the public in the condition of abandoned, neglected, and vicious boys ; and in 1872 a statute was enacted which authorized the establishment of a reform school. Causes, which need not now be explained, have hitherto delayed the execution of this Act. But there are not wanting signs of a new pressure upon the public for proper preventive and reformatory institutions, — a pressure of social forces and increased population. Should the course of events and an awakened public sentiment demand an institution and assure a wise unpartisan administration of it, the statutory provisions are ample for the creation and maintenance of a reform school or farm.

As regards preventive institutions, there are two orphan asylums at the chief city, Portland, which receive also neglected and deserted children as well as orphans. One of these is undenominational ; the other under the care, and for the children, of the Episcopal Church. The Catholics also make some provision for destitute and orphaned children. There is, further, an orphan asylum at Salem, the capital, which has usually a dozen inmates, with accommodation for twenty-five.

NEVADA is on the Pacific slope, but not on the Pacific ocean. Of the three Pacific States it is the newest and the smallest. It has a State-prison and county jails ; that is all. Notwithstanding repeated efforts I have been able to obtain nothing later than 1874, except a short paragraph in the annual message of the governor, under date of January 6, 1879. All he says pertinent to the purpose of the present work is : " There are now one hundred and forty-eight convicts in the State-prison. Important improvements have been made ; the prisoners have been humanely treated, and the discipline has been excellent."

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#### CHAPTER XLVI. — SOUTHERN STATES. — TEXAS ; LOUISIANA.

I HAVE not been able, after using all diligence to that end, to obtain any recent information concerning the prisons and prison administration of Texas. The Rev. Benjamin A. Rogers, who had attended the international prison congress of 1872, held



at London, as commissioner from that State, submitted to the national Congress of Baltimore, in 1873, a report on the then condition of prison work in his State. Condensed, what he said was this : That Texas has one State-prison and a jail in nearly every county ; that he cannot give the number of prisoners in the jails, or even in the penitentiary, for the lessees had refused to answer any of his questions, though his request was seconded by the governor of the State ; that the penitentiary and its discipline were in the hands of the lessees ; that the discipline is deterrent only ; that the agencies of the discipline are labor, the dungeon, the lash, and the stocks,—all liberally used ; that there is no provision of law for the instruction of the prisoners beyond that in industrial labor, and none given in fact, since the business of the lessees is to make money out of the convicts regardless of higher aims ; that within the prison walls various manufactures are carried on, but that this does not hinder much convict labor being performed outside, as the lessees are allowed to put the prisoners on the railroads of the State ; that this is a bad system, since it encourages attempts to escape, which are often successful, thus cheating society of its security, and subjecting the convicts when recaptured to unnecessary suffering, and sometimes resulting in their being shot, and so leading to a waste of life without necessity, and therefore without right ; that the hundred county jails in the State are a hundred dens of suffering, crime, and infamy, in which the criminal and the innocent of all ages and both sexes are herded together like cattle,—a hundred schools of vice and shame, a hundred plague-spots on the body-politic, a hundred elements and sources of disgrace to the religion and civilization of the State ; that with nearly a thousand prisoners in the penitentiary, there are not fit accommodations for half that number ; that with thousands of suffering paupers, there is not a poor-house in the State ; and that with thousands of orphans, destitute and neglected children, tramps, and wretched outcasts falling into crime, there is not an asylum, children's home, or house of reform in all the State.

On his return from the London Congress, Mr. Rogers prepared a lecture, in which he exposed with severe but kindly criticism the abominations of the existing jail and penitentiary systems, which he delivered in various cities, and especially at the State capital before the legislature and the citizens. The result was the awakening of a wide interest in the question, and the formation of a "Prison Reform Association of the State of Texas," one of whose avowed objects was "the promoting such legislation as shall reform the present prison system and prison discipline of the State." The Association numbered among its members some of the best and most influential citizens, among whom were the governor, secretary of state, State treasurer, attorney-general, comp-

troller, judges of the supreme court, and leading members of the bar in different parts of the State. The journals of the State, of all parties, took a warm interest in the reform and gave to the cause a united and earnest advocacy. The Association prepared three bills and submitted them to the legislature: one providing for a reorganization of the county-jail system; another for a new penitentiary to be conducted substantially on the Irish or Crofton system; and the third proposing a "county farm" for every county in the State, with a poor-house, house of correction, and reform school. These bills got so far as to be referred to legislative committees. What the upshot was I have never learned. Mr. Rogers was called to another field, and left the State; and the probability is that the whole thing died out of mind. Without some one or more earnest and energetic persons to push, many a good purpose perishes.

The lessees of the Texas State-prison — Messrs. Ward, Dewey, & Co. — sent an agent to the national Prison Congress of St. Louis in 1874, charged with submitting to that body an extended account of the organization and management of that institution.<sup>1</sup> In this report the prison is represented as a vast hive, or rather many hives, of busy industry. The lessees claim, that, besides paying all expenses of the prison, they indemnify the State in an annual bonus of \$15,000; that they conduct the establishment on true reformatory principles, relying on moral forces mainly (encouragements, rewards, counsels, appeals to manhood, etc.), and having but little recourse to compulsory agencies; that numerous handicrafts (a dozen or more) are carried on in the prison; that the convict who knows a trade is set to work at it if possible, and the convict who does not is permitted to choose the trade he prefers, if it is one pursued in the prison; that every prisoner who works well and behaves well has two dollars a month placed to his credit, etc.

Since the publication of the transactions of the St. Louis Congress I have received communications from highly respectable sources, which, while admitting some truth in the report of the lessees, nevertheless aver that it is largely a fancy piece. I have never been in Texas, and aver nothing; only that I have several times written for reports and have obtained no response.

LOUISIANA. — I am quite unable to give any account of penitentiary affairs in this State. Within the last half-dozen years I have addressed repeated letters to the authorities of the State-prison and house of refuge, and to successive governors of the State, asking for reports and information, without eliciting a sin-

<sup>1</sup> No doubt this movement was prompted by the paper of Mr. Rogers, printed in the transactions of the Baltimore Congress, and whose substance is given above. It is a "counter-blast," like that of King James against tobacco.

gle line or syllable of reply. Whatever inference this silence may bear, the reader can draw as well as the writer. At all events such as I have I must give, which is — nothing !

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CHAPTER XLVII.—SOUTHERN STATES (*continued*).—  
GEORGIA.

THE lease system of convict labor seems to be carried to its last limit—its *ultima thule*—in Georgia; and where that system prevails it is useless to write about other things. Indeed, there is little else to write about, for it overshadows, swallows up, every thing else. It is the destruction of the *penitentiary* system of imprisonment properly so called, which the world has been struggling to attain for a century and more with but limited success. A penitentiary system is one which produces, or aims to produce, *penitence*,—sorrow for past offences, and an amended life in the future. But how can a system like that of Georgia accomplish any such end? Look at it; put it in the balance; weigh it. There are in round numbers twelve hundred convicts in the State-prison. These are leased to three companies called Penitentiary Companies Nos. I., II., and III. There are at present fourteen convict camps, but they may be indefinitely multiplied; they are already widely dispersed, but they may be carried to the utmost extremities of the State. Even now it takes an officer a whole month to visit all the convict camps and spend only a few hours in each. He could not accomplish the circuit in a month, and make even an approach to an examination of the condition of these many and distant stations. And how long would the reader guess these leases have to run? From April 1, 1879, to April 1, 1899! The warden, in his report for last year (1878), proposes to the legislature the passage of an act “requiring all who control, manage, boss, and guard convicts to take and subscribe to an oath not to ill-treat or abuse convicts in any manner not warranted by law.” As if the law allowed the ill treatment or abuse of convicts! But let that pass as a slip of the pen. Any man with half an eye can see the fearful conclusion wrapped up in that strange proposition, and any tyro in logic can draw it. Laws are made to forbid and punish wrongs which have already become flagrant. By the side of such a proposition, and in view of what it points to, how feeble—I will not say contemptible—does this declaration which flowed from the same pen appear: “I tolerate corporal punishment only when absolutely necessary.” Who but the lessee is to judge of that necessity? And how is



the warden to know what is going on in his fourteen camps scores and perhaps hundreds of miles from his central office?—for Georgia is a little empire. His non-toleration is no more than a spider's web in the path of an enraged bull.

The doctrine is broached in the warden's report that "when a criminal is tried, convicted, and sentenced for the commission of a crime, the public can exact no further accountability from him for the crime; the law has spent its force in imposing the penalty. Having paid the penalty, his relations to the public so far as the law is concerned are such as if the crime had never been committed. The law having spent its force in convicting and sentencing him, he at once, on entering the prison, becomes subject to new laws,—the laws for the government and control of the prison itself." Possibly the warden may belong to that class of thinkers of whom a celebrated Italian cardinal, in answer to a question, once said, "Yes, Signor — is a splendid orator: true, he never knows what he is talking about; but then he says it so beautifully!" But if he does "know what he is talking about," then he lays down a remarkable proposition which bears a no less remarkable conclusion: society, the State, exhausts its legal power in pronouncing the penalty, and has nothing to do with its execution. Twice in the above short citation formal proclamation is made of this strange view. It follows that the prison authorities can do by the sentenced criminal as they please,—keep him within the prison walls, lease him to railroad contractors, or, if they so elect, send him to the mines of Siberia!

When the prisoner's term of sentence has been completed and his time of release is come, the State conducts him to the prison gate and turns him loose without a dollar in his pocket or a mile of transportation provided, although the lessees pay the whole cost of his imprisonment and compensate the State for his labor at the rate of twenty-five dollars a year. Let the warden be commended as well as censured where he deserves it,—as he certainly does when he denounces such ill-judged penuriousness, and shows that it is "saving at the spile and spending at the bung" by well nigh forcing the prisoner back into crime.

Prior to the meeting of the Prison Congress of St. Louis in 1874, a number of persons wrote to me accompanying their communications with fearful recitals, and asking me to expose and denounce the Georgia system of convict labor. But none of them would permit the use of their names, and as a matter of course I remained silent. Some weeks ago a letter on the subject appeared in the "New York Tribune," from one of its staff correspondents whose respectability and trustworthiness were vouched for by the editor. The writer states that the lease system has existed in Georgia for ten years. The convicts are let, he says, for a term of years to business firms and private persons, who employ them

in different parts of the State. The law provides for a medical officer and chaplain to minister to their bodily and spiritual wants ; but the convict camps soon became so numerous and so widely scattered as to render the services of these officers ineffectual, and their appointment was discontinued. Thereafter, for medical and moral ministrations the convicts became wholly dependent on the lessees. The law requires that the warden visit and inspect all the camps monthly. This also became impossible, because of the number and distance of the camps from each other and from the central office. The convicts thus passed from the direct jurisdiction of the State into the hands of private citizens whose sole interest in them is that of making money. The execution of the criminal laws was transferred from the responsible ministers of the State to men whose responsibility was *nil*, and whose sole known and recognized qualification was that they had put in the highest bids for the prisoners' muscular power at the auction of the convict leases.

The average percentage of escapes is large beyond precedent. Indeed, the statements of the correspondent on this point are almost beyond belief. The law provides a penalty of two hundred dollars for every escape through negligence, unless the convict is recaptured and returned to work within sixty days. Yet not a dollar has been recovered by the State for all these hundreds of fugitives. But the most deplorable result of the system is the frightful mortality in the convict camps. In the Richmond County camp, last summer (1878), the mortality was forty per cent in four months, or ten per cent a month. In the other camps the death-rate, though less, has still been appalling:

In some of the camps, says the correspondent of the "Tribune," men and women have been found chained together in the same sleeping bunks. Many of the female convicts were reported last November to be far advanced in pregnancy. Twenty-five illegitimate children, born in prison, are to-day in the penitentiary at Atlanta.

Looking upon the above statements as almost past belief, I addressed a letter and enclosed the article to a respectable and trustworthy citizen of Georgia, and asked him "whether these things were so?" He replies in the following terms: "In reference to the 'Tribune' letter, you wish to know whether the statements of the correspondent give the true condition of our State convicts under the lease system. I answer without hesitation that they do not. The letter is incorrect in many respects, but the true and the false are so ingeniously woven together that it is well calculated to mislead. . . . The mortality is not so great as one would infer from the letter, and it is really caused, not by cruelty, but by the necessary defects of any lease system; for example, the location of various camps, the defective hygiene,

the habits of the negro convicts, and above all the lack of a general, fixed, and efficient system of government and discipline of a large convict force under the very best lease system. The lease system could hardly be worse than it is in some respects. It is not its cruelty, so far as Georgia is concerned, for all men here know that the charge of cruelty has been sustained in very few instances. On the contrary, the trouble in most cases is too great lenity and too much freedom, — in fact, lack of punishment. The grand defect of the system is the absence of one responsible head to govern, control, and *respond*. The system is irresponsible, — there is the trouble with it. With three companies of lessees, each having several members, and the State's responsibility turned over to them, you can see the result. *Individual responsibility* is neither realized, nor expected to be realized."

There is the condemnation of the system, — sweeping, fundamental, unanswerable. It is a satisfaction to know that the legislature of Georgia will meet in July (1879), and that a bill is pending before it which provides for a prison board to take charge of the entire convict system of the State. The system so proposed is very similar to the one prepared by the New York prison association, submitted to the constitutional convention of 1866-67, and by it incorporated into the amended constitution; the same which, by the action of the late California convention and the vote of the people thereon, has been made a part of the fundamental law of that State. It is greatly, I might say "devoutly," to be hoped that the legislature will pass the bill, and so provide the State with the best prison system so far known on this continent, and at the same time redeem her good name; which, if the actual system stands, and those leases remain effective for twenty years, will be, long before their termination, a reproach throughout the civilized world.

It is not pleasant, but intensely painful, to write thus. But my task is to set wide open the world's prisons to the world's gaze; and whether I write of America or the distant Orient, the most civilized or the least civilized countries, my sole aim is truth, and such reforms as truth, by God's blessing, may effect.

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CHAPTER XLVIII. — SOUTHERN STATES (*continued*). —  
FLORIDA; SOUTH CAROLINA.

THE same lease system of convict labor prevails in Florida as in Georgia. Money is therefore the burden of the song. The whole prison population is let to one lessee, who takes the prisoners where and works them as he pleases; though all, or



nearly all, appear to be working at a place called Live Oak, on the lessee's turpentine farm. He pays all expenses of transportation and care of the convicts, and receives from the State \$100 a year. The adjutant-general of Florida, who appears to be in charge of the State-prison and other public institutions of the State, contrasts with evident satisfaction the financial condition of the prison since 1877, under the lease system, with what it had been previously, "when the expenses each year greatly exceeded the income." Speaking of the present plan, he says: "It will require time and experience to give confidence to those who would work the convicts, before the State will be able to receive a profit from their labor. I feel confident that a few years' experience will prove that their labor can be made profitable to the State." This is the goal towards which all efforts seem directed.

The prison statistics are made out after a most extraordinary fashion. Thus the whole number in prison, January 1, 1877, is set down as 71, and the same number is given as that of the whole population for December 31, 1877; while, in immediate connection, 120 is given as the greatest number in that year, and 100 as the smallest number for the same year! Again, 71 being set down as constituting the whole population on the last day of 1877, 110 is given as the number of prisoners on the first day of 1878, an increase of 39 in one day! Further, the report bearing date December 31, 1878 (*presumably*, for the figures read 1879), states that "during the present year the mortality has been greater than any former year." Yet the tables record 13 as the number of deaths in 1878, and 18 as the number for 1877. If on the whole a guess might be hazarded, I should imagine that twenty per cent would approximate the proportion of deaths, and ten per cent that of escapes, to the average prison population; in other words, from one-fourth to one-third of the prisoners either died or ran away. There can be little doubt, however, that we have the exact truth in the statement of the adjutant-general that the prisoners returning from work on the railroad "were in a most deplorable condition;" especially when we read, in the report of the medical officer, the further statement, that of 29 received 19 were sick with chronic dysentery, which in several cases was complicated with typhoid fever, and still further, that 8 died in a "short while."

SOUTH CAROLINA. — The same story over again, but only in part; since about two-thirds of the prisoners work within the prison walls, and only one-third are leased to work outside to some half-dozen different parties — companies and individuals — in various parts of the State. The earnings of the prisoners do not appear to be large, the cash receipts from all sources being less than \$3000; although, of course, the keep of the 220 out on

lease must be added. The mortality here, too, is frightful ; being 108 deaths in an average of between 500 and 600 convicts. The number of escapes was 60. The escapes and the deaths together for 1878 were about one-fourth of the average prison population. The medical officer attributes the enormous percentage of deaths to the total absence of artificial heat in the cells during the winter months. Nothing, so far as appears, is done for the mental or moral improvement of the prisoners.

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CHAPTER XLIX. — SOUTHERN STATES (*continued*). — MISSISSIPPI ; ALABAMA.

AT the national Prison Congress of Baltimore, held early in 1873, General Eggleston, president of the board of State-prison directors for Mississippi, submitted a report on penitentiary matters in that State, which was both interesting and encouraging. Things appear to have been at that time in a hopeful way. A part of the convicts were then worked by the State within the prison premises, and a part, for the want of accommodations, were leased to be worked on railroads and plantations. An excellent warden, Mr. Loomis, was in charge. A new cell-house, it was thought, would be built, and, when completed, would afford ample space for housing and working all the prisoners on the prison grounds. The directors, the warden, and apparently the public were against the leasing system and in favor of keeping all the prison population within the prison enclosure, and working them on State account. Prison reform, upon the principles adopted by the Cincinnati and London congresses, seems at that time to have been the watchword in Mississippi. Blows and stripes had been abolished by law, and milder punishments substituted ; especially good conduct and industry were fostered by the chance thereby afforded of considerably abbreviating the terms of sentence. The effect was very striking. Out of more than four hundred convicts within the prison walls the warden had found it necessary to punish only two. The prisoners, instead of being as before morose and discontented, had become remarkably cheerful and orderly. The sentiment of self-respect had taken root in them. They had come to feel that they were largely a self-governing community. A show of devotion was visible at the ministrations of the chapel. A Sunday-school was established and prosperously maintained in the prison. Literary instruction and recreation were provided for the convicts in the creation of a library. On Christmas day the prisoners were al-

lowed the use of the prison hall and free communication with each other. The superintendent studied the tastes and aptitudes of the prisoners, and as far as possible adapted their work thereto. Thus he acquired a strong personal influence over them. He excited in them a spirit of emulation and friendly rivalry. The result of all these agencies and efforts had been a degree of contentment, heartiness, diligence, and an amount and quality of work quite unknown before. The above applied only to those working within the walls; but it was hoped and expected that all would be brought there within a brief time, that is, as soon as the contemplated new cell-house should be finished, and that so a complete system of improved and reformatory prison discipline would be inaugurated and firmly established.

Without going into a detailed history of events since then, it is enough to say, that, according to my apprehension, things have retrograded and not advanced. A communication has been kindly made to me by a high officer in the executive department of the State government, from which it appears that, under a law of the State since enacted, the principal part of the labor of the State-prison is now leased out, that is, hired to lessees, who assume all expenses, and agree to pay the State so much *per capita* yearly for the convicts; they are employed chiefly in building railroads. This system, it is observed, has been found to work well as a mere matter of economy. No doubt of it. It is a gratification to be told that, if considered in the light of a reformatory measure, there is a difference of opinion, and that the public mind has not yet settled on a decided conviction one way or the other. There is hope, therefore, that it may come in the end to a right conclusion.

Of the county jails I know only this, also stated in the letter of my correspondent; namely, that under a recent law persons convicted of minor offences may be leased in the same way, and put to work on some public improvement in their counties. This Act is of recent date, and its practical operation has not yet been fully tested. But it all comes to this, that every man or boy who has committed an offence in Mississippi, great or small, may be leased for a term of years or of months to a firm, a corporation, or an individual planter, and by such association or person may be used as an agency for making money.

There are no reformatory institutions in this State.

ALABAMA. — I have little to report on penitentiary affairs in this State, and that little far from satisfactory. In the years 1873-74, under the administration of Warden Willis, a vigorous effort was made to throw off the lease system, and replace it by farm-work and industrial labor. When Mr. Willis took charge in 1873, most of the convicts appear to have been leased to Messrs.



Rucker & Co., to work on a railroad. He reports that he "had them all brought to the prison, owing principally to the fact that their condition was such that unless they were better cared for they would all soon die." However, this attempt to change a bad system of convict labor to a good one would seem to have miscarried. At all events the leasing plan is now in full operation, for the four hundred convicts at present under sentence are leased to no less than ten different parties, — five individual lessees, and five firms or companies ;<sup>1</sup> and they appear to be widely scattered over different parts of the State. That tells the whole story, and it is useless to speak of discipline, reformatory or otherwise ; for discipline, properly so called, is impossible. We sometimes hear the expression "how not to do it" used in reference to some work that ought to be done. But, in looking over the report of the Alabama penitentiary for 1878, one can scarcely resist the impression that the great effort has been "how not to tell it;" and it has certainly been eminently successful. However, legislators would not be likely to scan very closely the processes by which the money was made when told that convict labor had produced \$35,000 (net) to the State, though they might be inclined to inquire somewhat critically why, when \$35,000 was earned, only \$16,000 was paid over. It is curious to read in "Table A" — headed "showing resources and expenditures for the fiscal year ending September 30, 1878" — the first item in these words, "amount earned by convict labor from *all* sources," and then to find for Table C this caption, "showing amount earned by convict labor, and *not included in Table A for the fiscal year, etc.,*" with two items of earnings, one of \$6,000, and the other of \$10,000.

But this is wasting the reader's time as well as my own, and I withdraw the hand.

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CHAPTER L. — SOUTHERN STATES (*continued*). — ARKANSAS ; MISSOURI.

I HAVE a communication from an honored and valued friend, resident at the capital of this State, from which are gleaned the following items relating to its prison system and administration :

There are no juvenile reformatories and no preventive institutions under that name in Arkansas. The State penitentiary and county jails constitute the whole machinery employed for the punishment and repression of crime. The penitentiary has been

<sup>1</sup> In one instance as small a number as ten are let to a party.

sometimes managed by the State, and sometimes leased to parties who took charge of and managed it for their own use and benefit. The latter system is now in use. The lessee employs the prisoners in making brick near Little Rock,<sup>1</sup> or on his plantation at some distance therefrom. My correspondent thinks the management and discipline of the prison under the present régime about as good as it has ever been; but he admits that this result is accomplished through corporal punishment, inflicted, not by the prison authorities, but by the lessee. The State provides a chaplain, who preaches to the inmates every Sabbath; but my friend is ignorant of the results. The prisoners are supplied with Bibles, but no other books; nor have they any secular instruction. My correspondent thinks that the lease system is best for both the State and the prisoners: for the State, because it thereby saves a large amount of money; for the prisoners, because they are better cared for when the party controlling them has an interest in their labor. This argument would be good on two assumptions: (1) that "saving money" is the great object of convict treatment; (2) that the State has neither conscience nor humanity. The first is certainly erroneous: it is to be hoped that the second is equally so. As confirmatory of the second part of his argument, my correspondent adds: "Both self-interest and humanity prompt the lessee to care for his wards, and to treat them kindly." I will not dispute either the wisdom or the humanity of the lessee at Little Rock; but, indubitably, the proposition is not universally — I am afraid not generally — true. If my friend will read an octavo volume entitled "History of the Kentucky Penitentiary," written by Dr. Snedeker, who was for nearly a quarter of a century medical officer of that institution, he will see a picture the very reverse of his, drawn in extremely dark colors, by an intelligent, humane, and honest observer, who had been in the closest official and personal contact with some half-dozen lessees in succession. Obviously the lessee hires the prisoners purely and solely as a matter of business, that is, to make money. This he does, and can do, only in two ways; namely, by what they can earn for him, and by what he can save from their food and clothing. The temptation under which he lies is therefore two-fold, — to undue pressure and undue stinting. There may be individual lessees of so high and generous a nature as to triumph over this double temptation; but human weakness is so general and so great that in the large majority of cases it will succumb.

The number of convicts has greatly increased since the war (and this is as true of the other Southern States as of Arkansas), from two causes: 1. Because the negroes, being freed, are now

<sup>1</sup> The capital of the State, where the prison is situated.

punished by imprisonment for offences of which the lash of the master was before the penalty. 2. Because the sad effect of war has been to increase crime, and of course punishment, throughout the whole country. The average number of prisoners in the State-prison is from four hundred to five hundred, about equally divided between white and colored.

The common-jail system, my friend says, is about as bad as it could well be. The buildings are often very small and densely crowded. The sheriff of the county is *ex officio* jailer, but he appoints a deputy, and puts him in sole charge. The prisoners are often roughly treated by him.

The lease system of prison labor in Arkansas has been weighed in the balance by a joint legislative committee, and clearly found wanting by the evidence as well as by seven of the sixteen members of the committee. The evidence, as is commonly the case in such inquiries, was not a little contradictory; but to my conception the following points were established: That the prisoners are not properly nourished, being fed mostly on beef and corn bread, with vegetables occasionally, but not commonly,—the beef being so poor, so devoid of nutritive qualities, and so indigestible that its introduction into the human stomach proves an irritant, which generates the larger part of the diseases, such as diarrhoea, dropsy, etc., known in the institution; that the prisoners are overworked, the hours of labor being usually more than twelve per day, and those who work on a farm five miles from the penitentiary being often forced to walk or trot rapidly, especially in returning after work, thereby inducing over-heat, hemorrhages, heart-disease, and other forms of sickness; that shocking cruelties are practised upon the prisoners to get work out of them as well as to maintain discipline, so that many bear marks of violence upon their persons, some for months after its infliction; that the hospital is unfit for its purpose, being extremely filthy and noisome, sheets and pillow-cases often dirty or wholly wanting, food unsuited to the needs of sick persons, proper stimulants deficient and hard to get, the whole being more likely to intensify and even to generate disease than to serve as an agent in its cure; and that, to sum up all in a word, the penitentiary is turned into a speculative establishment, in which the convicts are the stock-in-trade of the lessee, in the prosecution of whose business they are so many mechanical contrivances to be used for the accumulation of wealth, and operated with little regard to the fact that they are children of the same Father, or even that they are blood and tissue, vitalized and controlled by the same physiological laws of waste and repair common to all mankind.



MISSOURI. — The prison system of Missouri embraces one State penitentiary and a common jail in each county, but has no reformatory institutions, no industrial schools, and no houses of industry and correction, — all of which it greatly needs. The State has twice introduced, and twice discarded, the lease system of prison labor; and it would seem, from the last annual report of the State-prison, that it is being partially adopted a third time. Both the penitentiary and the county jails, especially the latter, leave much to be desired as regards their organization and management; but no special remarks seem called for in relation to either of them. The great lack in the administration and discipline of the penitentiary is steadiness. The Hon. Anthony Ittner, for a number of years State senator, labored with equal zeal and intelligence to secure the establishment of a State juvenile reformatory, but was transferred to the halls of the national congress without seeing his efforts crowned with success. There is a local reformatory (house of refuge) at St. Louis, but of its present condition and working I have been unable to learn any thing.

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CHAPTER LI. — SOUTHERN STATES (*continued*). — NORTH CAROLINA.

BEFORE the civil war of 1861-65, North Carolina, in common with her sister Southern States, had no reformatory institutions, and the deterrent force of punishment was the only agency used to prevent crime. Even to this day, so powerful are the prejudices of the past that not one reformatory institution has been established, either by public or private endowment. So little care has there been to forestall the growth of a criminal population, that the efforts to give a common-school education to the children of the State have been so feeble and ill-directed that of her native population the larger portion can neither read nor write. The constitution adopted by the people in 1868 makes provision for the establishment of reformatory institutions by the legislature. Ample authority is given in that instrument to provide against the growth of a criminal class; but, although ten years have sped away, no steps have yet been taken in this direction, and to-day no house of correction or reform school blesses the territory of this State.

Prior to the adoption of the constitution of 1868, the whipping-post and imprisonment in the county jail, together with fines for those who could pay them, were the only preventives of crime. The brutality of the one, the loathsome associations of the other,

served but to degrade and corrupt the offender. However, provision was made in the constitution of 1868 for the immediate erection of a State-prison, but so effective have been the labors of those who resist all innovations on the past, that now, after ten years, the buildings are far from being completed. It was designed in this institution not only to punish but also to prevent crime by reforming the criminal. The report from this institution for 1878 gives the number of inmates at 1,102. To this one place are consigned all offenders,—male and female, colored and white, the youthful culprit and the vilest criminal. Owing to the want of adequate buildings the classification of criminals is not possible. No provision has been made by the legislature for the education of the illiterate among the prisoners. No chaplain is employed to minister to the sick, to reclaim the erring, or to counsel those who would lead a better life. Whatever care in this respect is bestowed on them comes from the labors of private individuals on the Sabbath-day. Sentences vary in length beyond all bounds of reason. It is no unusual thing to find the author of a cruel murder sentenced for a less term than one who has stolen a few shillings' worth of food to appease his hunger.

At this time there would seem to be a rivalry of the several sections of the State to send as many convicts as possible to the penitentiary. Railroads are building, and other improvements going on all over the State, and it is now the policy of the legislature to grant convict labor in aid of these works. It follows that the greater the number of convicts the larger the grants; the greater the number of such works undertaken the more rapidly they can be completed. This dispersion of the convict labor over the State makes it impossible to effect any thing, even though desired, towards their instruction or reformation. It likewise exposes them to being overworked and to cruel treatment. They are exposed to a strong temptation to escape. Whenever this is attempted they are shot down like dogs. During the years 1877-78 twelve men were thus killed.

The county jails are used for the detention of those awaiting trial and for the punishment of certain crimes. Most of them are a disgrace to the civilization of the age, and are fruitful nurseries of vice and crime.

The biennial report of the prison for 1877-78 lies open before me. From this, as well as from the condensed statement above furnished by an intelligent citizen, the labor system seems to be a remarkable one; quite *sui generis*. The labor is neither leased, nor contracted, nor managed by the prison, except so much of it as is employed in the erection of prison buildings and walls, in the manufacture of boots, shoes, and clothing for the prisoners, in domestic affairs, etc. The rest would seem to be given to rail-

roads in the State without any cash returns whatever. When the report states that "it is difficult to determine with precision the value of the labor," a ready assent is naturally yielded to the proposition. Still, the architect and warden — for these offices are strangely combined in the same person — figures up the matter thus: Value of convict work (if paid for), \$333,000; expense account, \$237,000; net gain to the State, \$96,000. All this without a dollar received, and some hundreds of thousands apparently paid out! The State, or the railroad companies, may be richer, but how about the tax-payers?

There is no prison school, but there is a small and inadequate library, for the increase of which no provision is made, except a ten-cent fee at the gate for the privilege of going through the prison and looking at the prisoners! This is as great a disgrace to North Carolina as it has been to New York or Massachusetts. A noble band of Christian gentlemen from the churches of Raleigh keep up a flourishing Sunday-school in the prison, and the different clergymen of the city conduct religious services in the chapel, regularly in succession, every Lord's day. This is well and generously done; but it does not excuse the State from its obligation to provide the services of a chaplain for its convicts, not on Sunday alone, but through all the week.

The only two institutions in the State which are specifically preventive of crime in the young, so far as I am informed, are an orphan asylum at Oxford and another at Wilmington. The one at Oxford is under the care of the Masonic fraternity, and makes its annual reports to the Grand Lodge of the State. It was organized in 1873, has thirteen officers, and an average number of inmates exceeding one hundred. The one at Wilmington is connected with the St. James' Protestant Episcopal Church, and bears the name of the St. James Home. The rector is superintendent, and has two assistants. The number of inmates is small.

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CHAPTER LII. — SOUTHERN STATES (*continued*). —  
VIRGINIA.

I HAVE not been able to obtain any special information from Virginia; and all I know is gathered from the annual report of the directors, warden, and medical officer of the State penitentiary for 1878. The report is wholly devoted to business which is of no general interest, except perhaps the fact that about one-third of the convicts are now, and have been since 1877, working for the James River and Kanawa Canal Com-



pany, — being leased to said company by the governor of the State, under authority of a special Act of the legislature to that effect. Here, too, a mortality prevailed which the medical officer, Dr. Walker, characterizes as "fearful," though not more than half as great as that in Georgia and Florida. He accounts for it thus: "The men were not properly clothed and fed during the winter, and were worked in the coldest and most inclement weather. At night they were crowded together in canal boats without ventilation. Under this bad management it was not long before they were all unfit for duty, and for a time work had to be suspended." The report makes no reference to the moral condition of the penitentiary; neither does it state whether it has any moral ends in view; nor if it has what they are, by what agencies they are pursued, or what results are obtained. All it contains on this subject is in these words: "Messrs. Moorman, Kepler, Munford, and other gentlemen of the city continue their instructions in religious matters with some good effect." And that is all the recognition which the State penitentiary of Virginia can afford of services as disinterested, as unselfish, as holy, and as devoted as were ever rendered to any good cause. "*Some good effect!*" I know the work of these men from personal observation, and that upon more occasions than one; and my belief is that all the good of a moral nature, or nearly all, that is done in the penitentiary is done by them. Father Moorman, a venerable octogenarian clergyman, who formerly served as chaplain to the prison, is a man who breathes the very spirit of the Master. And Colonel Munford, what words can equal his merit? Emphatically and pre-eminently he is the prisoner's friend, — full of sympathy, full of wisdom, full of goodness; as gentle, patient, kind, and loving towards his prison-wards as a mother to her babes. And they respect, love, and trust him as they do no other, both while in prison and when they come out. If Christ-like work among the lowly, the fallen, and the outcast is rewarded in heaven, he will wear one of the brightest crowns in that bright world.

Since the foregoing was written I have received a communication from my friend Colonel Munford, from which I cite a few sentences giving some interesting facts and a modest account of his and his associates' labors in the prison, as follows: —

"I was at the penitentiary this afternoon as usual, and addressed the prisoners in the hospital. Since the burning of the workshops last winter we have had no chapel for services on the Sabbath. An application was made by a committee of our Sunday-school Association to the legislature for some provision for the religious instruction of the prisoners. A joint resolution was adopted by the general assembly highly commending the work of our Association among the prisoners, and directing that when the workshops were rebuilt arrangements should be made for the accommoda-

tion of the Sunday-school and other religious workers in the penitentiary. No appropriation, however, was made by the legislature for the erection of the buildings. The Board of Directors, however, with the old materials and the labor of the prisoners undertook to rebuild the workshops, and agreed to add an additional story and appropriate it as a chapel, if our Association would furnish \$1,000 for the purpose. This expense a few gentlemen have assumed, and we trust to the liberality of the Christians of the city and State to equip and furnish the chapel. The building is progressing rapidly, and we hope in a few months to be able to resume our labor of love. The prisoners express to me their great gratification at the early prospect of having a chapel exclusively devoted to religious services.

"The testimony of officers and men confirm the opinion entertained by myself and the other members of our Sunday-school Association, that great good has resulted to the prisoners and to the community at large from the religious services in the penitentiary. The first step was taken by our legislature last winter in the desired direction, and I trust that it may be followed by successive appropriations for this purpose."

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CHAPTER LIII. — SOUTHERN STATES (*continued*). —  
KENTUCKY.

THE penal and reformatory system of this State includes a State-prison, county jails, and house of refuge for young delinquents. So far as the first two classes are concerned, the system cannot be commended; but, as we shall see, the case is quite otherwise in regard to the third.

As regards, first, the State-prison, there is great overcrowding, — 1017 convicts and 744 cells; that is, 273 prisoners in excess of the accommodation. This is fearful, but it is not all even under this head. Two convicts have to be placed in one cell, against humanity, against morality, and against law. Will there not be plenty of shrewd heads among the prisoners to see that the State is every day doing what *they* are shut up in prison for? What must be the effect of this? — irritating, demoralizing, hardening. Then the labor is managed on the lease system, which has been explained and characterized in the chapters on the "United States in General." I can waste neither space nor time in repetition, nor is there a necessity. A pause, however, may be made long enough to state that Governor Leslie in his message of 1873 arraigned and denounced it as "a reproach to the commonwealth." Governor McCreary in 1878, though milder and more cautious in his language, evidently held the same view. Again, the chief industry is greatly prejudicial to the health of the con-

victs, and therefore highly objectionable on the score of humanity. The mass of prisoners are employed in the manufacture of hemp, an industry that fills the air of the workshops with floating particles of lint, from which there is no escape; these particles being inhaled inflame the air passages of the throat and lungs, bringing on in numerous cases disease and death. Moreover, the ventilation in the cell-houses is extremely defective, and in consequence the air is loaded with poison. An article in a respectable journal of the State sums up the case thus: "Kentucky's boast is that the State owes no one; Kentucky's shame is that her State-prison is a charnel house." The editor goes into a long detail of facts to prove this declaration, showing an enormous death-rate. A letter received from one of the most respectable citizens of the State says of this article, "The picture is dark, but I do not think it overdrawn." If it be said that the hemp must be manufactured somewhere, I have a two-fold answer: 1. The conditions of the manufacture within and without the prison are essentially different. 2. Those outside are free to do as they like.

Of the condition of the county jails I have no detailed or exact information. I judge it to be at least as bad here as it is in other States, for the correspondent referred to in the last paragraph remarks: "I have talked with our friend Colonel ——— in reference to the county jails. I will ask him to reduce his information to writing, and will send it to you for use in preparing your book." This has not been done.

For the juvenile reformatory near Louisville, under the name of house of refuge, scarcely any words of praise would be too strong. It has three departments; namely, one for white boys, a second for white girls, and a third for colored boys, with a population severally in the order named of 152, 30, and 21. The superintendent, Mr. Caldwell, is what in America we call "a live man," and is emphatically, as we are further wont to say, "the right man in the right place," — wakeful, alert, and active in a high degree. Work, instruction, and play are combined in just proportions, and a healthy moral and religious tone pervades the whole establishment. The result is what might be expected, — the great body of those who pass through the institution saved to honest labor and good citizenship.



CHAPTER LIV. — SOUTHERN STATES (*continued*). —  
TENNESSEE.

THIS is another of the States in which the lease system has been in force since 1871, and where it is claimed that it is found not to be obstructive to a reformatory prison discipline. Certainly I have no desire either to twist the truth myself to the discredit of the system, or to suppress what its friends may have to say in its favor; for it has a sufficiently heavy load to bear in any case. I therefore willingly give place to the material part of a report submitted to the Baltimore Prison Congress, in 1873, by Dr. Wright, at that time superintendent of prisons in Tennessee. In it he says: —

“In December, 1871, the legislature leased the State-prison, including its branches, to a private company, at \$33,000 a year for five years, the lessees paying all expenses. By a stipulation in the contract, the State retained entire control of the treatment of the convicts. For four years preceding the lease the prisons cost the State \$114,000 annually. The legislature, to get rid of this heavy burden, and at the same time do exact justice to the criminals according to the enlightened philanthropy of the age, entered into the above-mentioned contract, with the necessary restraining provisions to guard the moral interests of the convicts. The legislature believed, and their wisdom has been justified, that they could lease out the prisons and at the same time introduce and carry into effective operation all the reformatory measures consistent with the good government of penal institutions and the well-being of society. The measures adopted for the reformation of criminals are the commutation or good-time law, the regular employment of chaplains, who have service every Sunday morning and Sabbath-school in the evening, the distribution of good books, periodicals, etc. I can see very little difference in the means used in Tennessee for the reformation of criminals and those employed in other States whose reports have been read to this body. I only consented to make these few statements that the congress might know that Tennessee is not an idle or indifferent spectator of the grand reformatory revolution in the management of criminals which is engaging the best minds of our country, and enlisting the active sympathy and intelligent study of every civilized country throughout the world. The plan adopted in Tennessee works well and is satisfactory.”

There is lying open before me the report of the officers of the State penitentiary for 1878, and it must be stated in justice to those officers, and greatly to their honor, that, while it is as wide as the poles from a justification of the lease system, it yet makes a very different and greatly more creditable showing than any of the other prisons where that system prevails. Even here, however, “the true inwardness of the system” is concealed; I will not say carefully concealed, but at least it has a little appearance

that way. The average number of prisoners is eleven hundred to twelve hundred. Not the slightest exact information is vouchsafed as to the profits realized by the State from the lease, but they are obviously large, since the report states that a new prison which has been recommended by the governor of the State might be built out of those revenues. Yet, for all that, the State does not expend one dollar for the education of the prisoners, though four-fifths of them are totally illiterate; not one dollar in purchasing books for their use; not one dollar, after their liberation, to bridge over the chasm between their release and employment; and only transportation to the place where they came from, in the form of a railroad ticket, printed "EX-CONVICT," which the chaplain, with just but scathing sarcasm, pronounces "an invitation to crime."

The superintendent of the prison and its branches is General Cheatham, evidently an able, judicious, vigilant, energetic, and humane officer. The chaplain's report is excellent. It shows him to be a true, apt, whole-souled worker in the Master's vineyard. I would like to cite it *in extenso*, and must quote from it largely, as it is so fresh, straightforward, original, intensely earnest in spirit, and reveals some new modes of work in this department:—

"To do all the good possible ought to be the great objective point of the chaplain. In prison work, denominationalism, sectarianism, or any thing that savors of religious bigotry, must give place to a broad Christianity. The ages of the prisoners, from fifteen to seventy-six, and the intellects, from the almost idiotic to the most brilliant, are not more varied than their religious belief. Hence, during my first month's service, I organized all church members, of whatever denomination, into a Christian Association. At first the number of the association was about forty, and now reaches one hundred. Every one joins the church of his choice, the city pastors of the different denominations being invited to receive them into the church, and then we enter them upon the list of the association. A standing committee of five of the association, representing different denominations, have the oversight, under the chaplain, of the conduct of our members. I have found this committee a valuable auxiliary to our association, and believe the result has been felt in the discipline of the prison. No prisoner can remain in our association who does not obey prison law. To obey is the first duty of a Christian, as it is of a soldier.

"The prayer-meeting of the association meets at 9 A. M. Sunday, and is usually led by one of their number. The chaplain is occasionally present, but thinks it best to leave the prisoners ordinarily to themselves in these exercises. The remarks and prayers of the men are generally brief, to the point, and both impressive and instructive, often evincing no ordinary degree of Christian intelligence. The pleadings for absent loved ones are sometimes thrilling.

"Our church hour is 10 A. M., Sunday. The sermons are short, earnest, direct. Practical polemics are ignored. The burden of the theme is

the gospel, its power, its promises, its hopes, etc. The terrors of the law, the wages of sin, the fires of Gehenna, need not be preached here; but 'God is love,' 'the blood of Christ cleanseth from all sin,' 'Go, sin no more,'—these lead to hope; and the prisoner sees the 'gates ajar,'—yes, thank God! open for him. Oh, the power of the kind words, the sweet promises, the broad sympathy of the Son of God, the Son of Mary!

"The prison Sunday-school assembles at 2 o'clock P.M., and continues in session two hours. Messrs. Bennett, Radisill, and Newsome are superintendents, assisted by a corps of citizen teachers, male and female. The chaplain takes an active part in the general management and supervision of the Sunday-school. The assistant, librarian, and secretary are prisoners, and faithfully do they perform their duties. The Bible is our text-book. We adopt the international lessons. Our Sunday-school work is harmonious, faithfully performed, interesting both to teachers and pupils, and effective of good.

"The prison choir, led by an organist, who is also a prisoner, enriches and enlivens our church and Sunday-school exercises. The prisoners, both in the choir and congregation, take great delight in the singing. We encourage all to sing. The songs of Zion seem to dispel the gloom of the prison walls.

"The hospital is a field of extended duty for the chaplain. To cheer the sad, encourage the timid, instruct the ignorant, correct the wayward, direct the eye of the dying to the Lamb of God, and hear the last expressed wish or confession of lips now growing cold, are duties both common and pathetic.

"Indeed, from the hospital to the office, from the office to the wing, from the wing to the corridor, from the corridor to the cells, from the cells to the workshop, from the shops to the camps, the faithful, earnest chaplain will find duty, *duty*, *DUTY* enough to tax all the brain and talents God has given him; and yet he is met by men, professed Christians and even ministers, with this inquiry: 'What good are you doing with all your labors?' It was a dark hour of terrible temptation when John the Baptist, long a prisoner, sent to inquire of the Saviour, 'Art thou he that should come, or do we look for another?' Jesus answered, 'Go and show John again those things which ye do hear and see; the blind receive their sight and the lame walk, the lepers are cleansed and the deaf hear, the dead are raised up and the poor have the gospel preached to them.' The gospel of the Son of God has not lost its power unto salvation to them that believe,—no, not even in prison. Inmates of the penitentiary are men like other men. I have witnessed their tears, prayers, repentance, confessions, conversions, and their fruits unto righteousness, as well as their rejection of the gospel, their repudiation of Christ, and their general scepticism. From two-thirds to three-fourths of the prisoners are brought voluntarily in contact with the gospel every Sunday; and better behavior, more respectful attention, and deeper interest in all the religious exercises I have rarely seen in any congregation. If all this does not satisfy our interrogators, we would remind them that it was the *lost* piece of silver for which the woman searched so diligently; it was the *lost* sheep the shepherd so anxiously sought and brought back to the fold; it was the prodigal son for whom the father killed the fatted calf; and Christ said, 'I came to seek and to save that which is lost,' 'I came not to call the righteous



but sinners to repentance,' 'They that are whole need not a physician, but they that are sick,' 'Go, preach my gospel to every creature,' etc. I have never learned that the scope of the gospel was changed, nor the great commission revoked.

"The discipline of the prison is humane, but firm. I have been given the greatest latitude by the warden as to measures looking to the moral and religious improvement of the prisoners. The prisoners have every privilege consistent with the dignity and claims of the law. Yet I think that in these days of enlightenment, philanthropy, and prison congresses there should be some advancement, some progress, broader and higher than yet attained in our State-prison. At present we worship in the dining-room, a place neither decent, comfortable, nor appropriate. We need a suitable house of worship for the prison, — a house that will accommodate at least five hundred hearers. The reasons in favor of erecting such a chapel are many and potential.

"We have no library deserving the name, yet we dignify our small collection of books, magazines, etc., by calling it a library. Rev. W. D. A. Matthews, of Onarga, Ill., agent of the Seaman's Bethel Friends Society, has supplied the State-prison and branches with some three or four hundred thousand pages of valuable reading matter, free of all cost, even freights being gratis. Every dollar we have used for contingent expenses of library and Sunday-school has been contributed, — not furnished by either State or lessees. The State provides not one cent; the lessees give when we ask, but ignore our right to demand any thing from them. As the chaplain dislikes to beg, he finds himself deficient over one hundred dollars for these contingent and necessary expenses. You can ask the refunding of this amount if you see fit, but be sure and urge the appropriation of ten to twenty-five dollars per month for library and Sunday-school.

"The chaplaincy might be enlarged by requiring the chaplain to teach, or have taught, the primary elements of education to such prisoners as might need and justify the labor. The Sunday-school is already working in this field, and not without marked encouragement. Of course this enlarged requirement of the chaplain would involve and justify an increase of salary. Indeed, while I am for 'retrenchment and reform,' I certainly think the great commonwealth of Tennessee would honor herself by at least doubling the present meagre salary of the chaplain. My experience of the labor and anxiety of the chaplaincy for three and a half years is not my apology but my justification for speaking thus plainly.

"The plan known as 'good time,'<sup>1</sup> now employed, is working admirably, but might be enlarged much to the advantage of all concerned. I am persuaded that a graded system in the prison, marked by dress or badge, would be a moral power in the elevation of the prisoners.

"The dismissed prisoner ought to be more liberally supplied with clothes and means on leaving the prison. Turn a man out of prison after years of confinement, add to his abnormal condition by giving him a suit of clothes neither genteel nor comfortable, by putting not one dollar in his pocket, and by handing him a railroad ticket whence he came, printed 'EX-CONVICT,' and you invite him to crime. Men must respect themselves

<sup>1</sup> Abbreviation of sentence for good conduct.

in order to be respectable in character and actions. Good clothes are elevating; and money with which to meet proper demands leaves no excuse for the evil deed, to which pinching poverty might drive the poor unfortunate. As Governor Porter in his retiring message recommends, so we beg, — Give the prisoner a small sum of money, enough to meet his immediate wants! The paltry dollar is not to be compared to a noble citizen, much less to the soul of an immortal!"

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CHAPTER LV.—SOUTHERN STATES (*concluded*).—  
MARYLAND.

THIS State is extremely active and extremely successful in her repressive, reformatory, and preventive work. She has a State penitentiary; a city prison at Baltimore; twenty-one county jails in other parts of the State; a model prisoner's aid society; a reformatory for white boys and girls; a reformatory for colored children; and a large number of institutions of a preventive character, well sustained, well officered, well managed, and largely blessed,—first, in receiving from society liberal gifts for their work, and second in giving back to society honest and industrious citizens instead of thieves and spoliators, which, when taken in hand, they either were or were likely to become.

The State-prison, under the administration of Warden Wilkin-son, is one of the best managed and most successful in the country both morally and financially. It is more than self-supporting, its industries being conducted on the contract system of labor. While its discipline is meant to be deterrent, it earnestly aims to be reformatory at the same time. The agents employed are a firm discipline, persuasion, labor, and rewards. Rewards are more relied on than punishments, and with the best results. There is no stated chaplain, but there are stated religious services every Sunday, at which the clergymen of Baltimore officiate in turn; and two Sunday-schools have been organized by the Maryland prisoners' aid society,—one for men, the other for women,—which are taught by ladies and gentlemen from the different churches, who volunteer their services. These several services, all volunteered and none paid, are much prized and greatly useful. Sacred music is taught to the prisoners as an element of reform. But there is a grave defect which so excellent an establishment ought to supply without unnecessary delay; that is, the want of a prison school and schoolmaster. It is a neglect which amounts to a reproach, an injustice, when the prisoners pay all the bills, and return a surplus into the State treasury. However, a good

library is provided for the prisoners ; but many, unhappily, are too illiterate to avail themselves of its benefits.

The Baltimore jail is a substantial stone building of striking architectural proportions. In its construction and arrangements it is a model. The industries are well managed, and good work is done for the moral amelioration of those who remain long enough to profit by it. But the pestilent system of repeated short sentences prevails here, as almost everywhere else both at home and abroad. Most of the other county jails are defective in all the attributes of a good prison ; but under the guidance of the aid society, or, to speak more accurately perhaps, of its indefatigable president Mr. G. S. Griffith, they are slowly improving, and will ultimately no doubt be brought into a good condition.

The two reformatory institutions — one for white, the other for colored children — aggregate some four hundred and twenty-five inmates, divided about equally between them. Steps have been taken, I think, to add a third for colored girls. Industrial, religious, and primary instruction are carefully imparted. Farms are connected with both institutions. Labor is found a most desirable adjunct in the effort to reform. The field and the workshop, next to the church and the schoolroom, are the best corrective of evil habits.

The preventive institutions are the Maryland Industrial School for girls ; the St. Mary's Industrial School for boys ; the Baltimore Manual-Labor School for indigent boys ; the Children's Aid Society for boys and girls ; the Home of the Friendless for children ; the Maryland Inebriate Asylum ; the Home for Fallen Women ; the Society for the Protection of Children from cruelty and immorality ; together with sundry orphan asylums. It would obviously carry us beyond all reasonable bounds to undertake a description of these numerous establishments. The care and judgment with which their sites have been chosen is worthy of notice. They are situated in the most healthy sections of the city or county of Baltimore, on broad streets, wide avenues, or eligible farms, the sanitary advantages having been always considered in selecting a locality. The buildings are erected on high grounds, affording spacious yards or areas for exercise during the hours of recreation. They are constructed with large windows, wide passages, and broad stairways, with a view to obtain the sun's unobstructed rays from its rising to its setting, and a free and full circulation of pure air. It is a fact which marks the history of these various institutions, that the inmates are exempt in an extraordinary degree from epidemics or even sporadic diseases. Their mortuary lists record fewer deaths than occur in common households among the same number of children and youths. The genial influences afforded here of air and sunshine, of field, flood, grove, and flowers are but a fit symbol of the moral work that is going on within.



None of them have either walls, gratings, bolts, or bars. The discipline is that of Christian families. Their rule is that of love and kindness. The children are brought into these institutions, not for crime, but to prevent crime. Their object is to receive, teach, and train their inmates to honest toil. Here the children learn habits of economy, cleanliness, virtue, industry, obedience, self-control, and self-reliance, and are armed against those of vagrancy, pauperism, vice, and crime. Here the pure and purifying waters of humanity, religion, and the highest social philosophy meet and mingle to form a fountain of life. What is the chief cause of crime? — Neglect of a right training of children. What is the chief preventive of crime? — A right training of children. Then multiply and intensify the forces of society in that direction and to that end!

The work of aiding discharged prisoners is well organized in this State. The Maryland prisoners' aid society was established early in 1869, and has been ever since working with zeal, efficiency, and success. The sphere of action of this society begins in the State penitentiary, and extends to all the jails and almshouses throughout the State of Maryland. The officers and wardens are ever ready to co-operate in any measures the association suggests to improve the condition of the inmates under their charge. The principles on which it works, and the work itself, have secured the hearty approval of both the criminal courts and the prison authorities, as their records and reports abundantly prove.

## PART THIRD.

## SEAT OF GOVERNMENT.

## CHAPTER LVI.—DISTRICT OF COLUMBIA.

THIS was originally a tract of land ten miles square, on both sides of the Potomac River, ceded by the States of Maryland and Virginia to the General Government as the seat of the national capital. The part on the west side of the river has been receded to Virginia, and only the part on the east side, ceded by Maryland, remains to the nation. The city of Washington is now co-extensive with the territorial limits of the District of Columbia, so that the two are exactly identical.

The District of Columbia is governed by the National Congress, and the special form of administration has been changed a number of times, though not so often as the propositions to that effect. However, all this is aside from the present purpose. Let us then proceed to the matter in hand.

There is no convict or State-prison in the District of Columbia. There was one, called the Washington Penitentiary, prior to the late civil war. On the breaking out of that war the penitentiary building was needed for war purposes, and was diverted to that end. Of course the prisoners had to be removed. Thereupon an arrangement was made with the Albany Penitentiary to receive and care for, at a fixed *per capita* price — enjoying also the benefit of their labor — all the convicts to be then and thereafter sent to it by the Washington criminal courts. That contract has continued ever since, and is in full force and effect to-day. Therefore, the whole prison system of the District at this moment consists of a common jail, with a few lock-ups scattered at different points through the city of Washington. A new building has been recently erected for jail purposes which I have not visited. The old one, which I knew, was as bad as it could be. The new one has been reported to me as wholly unsuited to the uses of a jail. It was built by the Government architect, who probably knew as little about a prison and its needs as he did of the inflections of the Chinese or Choctaw language. No doubt the jail is an immense advance upon the late one; but still, safe-keeping is the one great thought and care. The prison population is in perpetual motion, advancing and receding, like the tides of the sea.

Few, if any, remain long enough for any moral processes to take effect, or for any moral action to reach a consummation. There is very little chance for the application of prison discipline, properly so called, and no attempt whatever at reforming the inmates. It is consequently like most of our common jails, a seed instead of a cure of crime, its nursery rather than its grave.

There is a juvenile reformatory in Washington, chartered by Act of Congress in 1869. It is under the general care and supervision of the attorney-general of the United States, who appoints the trustees, and to whom the institution reports. It admits, primarily, children under sixteen years of age convicted by the courts for a violation of law; but incorrigible children, youthful vagrants, truants, etc. may also be received, so that it partakes of the character of both a reformatory and preventive institution. The pressure for admission is considerably beyond its capacity for reception and accommodation. The institution is supported by Congress and the District government, which latter is required to pay two dollars a week towards the support of each inmate. Besides receiving elementary scholastic instruction, the boys learn the cane-seating of chairs, farming, horticulture, shoe-making, tailoring, bread-making, etc. The term of commitment, as in nearly all the reformatories of the United States, is during minority; but the children are discharged at any time, in the discretion of the trustees, on the report of the superintendent. They are, however, always subject to recall on misbehavior and retention till the period of majority. The institution does not appear to have been a success as a reformatory, but, unless I have been erroneously informed by persons who ought to know, quite the reverse.

Washington appears to be pretty well provided with preventive institutions of one kind or another. It counts three orphan asylums; three industrial schools; two children's hospitals; one infant asylum; one foster home; and one national association for the relief of colored women and children. These are all organized and managed by private citizens or churches, but most of them receive more or less aid from Congress or the District government, or both. Of course it would occupy too much space in a work of this nature to give a detailed account of their several specific aims, labors, and accomplishments. They bring relief and healing, physical and moral, to many hundreds of persons, mostly children; and, large as the volume of crime is, they make it less than it would be without them.

The most important of these establishments, in many respects, appears to be the industrial-home school on Georgetown Heights. Of this it will be proper, as being highly suggestive in several of its details, to give some little sketch. It was organized in 1867, and incorporated in 1872 as a home for destitute and neg-



lected children of both sexes, with a view to make useful men and women of them by providing tuition in the elementary branches of education and instruction in some trade or vocation. To accomplish this, (1) the government of the District has set apart a large building, with seventeen acres of land attached, within the corporate limits of the city, formerly used for the adult poor; (2) the board of trustees of the public schools have opened a school upon the premises, where the children receive primary instruction, while the more advanced inmates can attend the schools of a higher grade in Georgetown; (3) Congress has donated a steam-engine, machinery, and some tools, which have enabled the managers to establish a workshop in which boys have been taught the use of tools and the elements of carpentry, cabinet-making, and lathe-work; the girls being taught household duties and sewing.

The institution has heretofore had a hard struggle to maintain its existence. More recently the District government and Congress, in recognition of its work, have liberally contributed towards its support. Its managers, therefore, have in view to erect during the present year (1879) a commodious workshop (the present one being leased and too distant from the house), together with a laundry and spacious school-room. They also propose to have those essential branches of domestic economy, bread-making and laundry-work, thoroughly taught by competent instructors, and shoe-making and tailoring by able foremen; also blacksmithing, gardening, the culture of fruit, the management of a dairy, and in time the art of printing.

A board of managers, serving gratuitously, exercise general control of the institution, employing a superintendent, a matron, a foreman, a seamstress, to instruct both boys and girls in plain sewing and mending, and a cook, with assistants in the laundry. At present the number of inmates is limited to fifty, but arrangements are making to permit a considerable increase of the number, and then the family system will be regularly inaugurated.

## Book Third.

### GREAT BRITAIN AND HER DEPENDENCIES.

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#### PART FIRST.

##### HOME COUNTRIES.

##### CHAPTER I.—ENGLAND. — CHANGE OF PRISON SYSTEM.

THE prison system of Great Britain and Ireland is undergoing a process of transition, owing to the enactment in 1877 of three similar measures entitled severally the English, Scottish, and Irish prison Acts, the operation of which dates from April 1, 1878. These Acts create a revolution in the prison system of the country. They transfer the control of the county and borough prisons from the local authorities to the Central Government. The convict prisons are not affected by these Acts; they have long been under such central control.

The prisons so transferred are many. They include one hundred and eighteen English, fifty-six Scotch, and forty-two Irish prisons, besides about one hundred bridewells in Ireland, though of this class there are few in England. The daily average of prisoners in England (including Wales) was, in November, 1878, twenty thousand three hundred and sixty-one; in Scotland, two thousand eight hundred and eighty-seven; and in Ireland, three thousand. The average number in the thirteen convict prisons of Great Britain is ten thousand one hundred and fifty-seven; in the four Irish convict prisons, one thousand one hundred and fifty-five. About twenty-five thousand prisoners were, under the new Acts, transferred to the Government,—making with the convicts a total of thirty-five thousand prisoners in the United Kingdom placed under uniform central control.

The average cost of the prisoners in the county and borough prisons is about one hundred and forty-five dollars per annum, or, omitting interest on real property, etc., one hundred and thirty dollars each; and their average earnings, fifteen dollars. The cost per convict prisoner is higher, and so are the earnings; but as the

convict labor is expended on public works and brings little or no cash revenue, it is difficult to estimate its exact amount. There is great variety in the *per capita* cost of the prisoners in the jails, ranging from eighty dollars at Manchester to six hundred and sixty-five at Lincoln. The same is true of the annual earnings, varying from one hundred and ten dollars at Devenport to two dollars and even one dollar in others. The industries pursued at the jails are sack-making, wood-cutting, jet-cutting, saddlery, wool-carding, marble-grinding, cooperage, brush-making, washing linen for ships, gardening, making ships' fenders, spectacle-case-making, printing, book-binding, flax-dressing, gum-breaking, rope-making, tassel-making, sheep-net manufacture, whiting-making, clog-making, wood-sawing, mat-making, sack-sewing, stone-breaking, brick-laying, masonry, painting, and perhaps a few others. It was estimated by the home secretary that the new prison Acts would enable the Government to effect large savings by reducing the number of small jails, and by a better development of labor and industry.

The new system of prisons has now (midsummer, 1879) been in operation fifteen months. It is still too early to indicate its real effects, but some decided results, good and otherwise, have been obtained.

The anticipation that many of the smaller jails might be closed has been realized. The one hundred and eighteen English prisons have been reduced to sixty-nine; the fifty-six Scotch prisons to forty. The forty-two county prisons in Ireland remain, but the one hundred bridewells have nearly all been abolished. Thus a sweeping reduction of prison establishments has already been made. In Ireland also—not wholly in England—the convict prisons have been brought under the same management with the local prisons. A consequent reduction of prison officials has been effected at the same time; namely, in England, from two thousand five hundred and seventy-three to two thousand two hundred and thirty. Pensions have been bestowed upon those whose services are no longer wanted. A better classification of labor is to be introduced into the county and borough prisons. The longer-term prisoner will be removed to jails where special industries exist, such as shoe-making, smithery, carpentry, etc.



CHAPTER II.—ENGLAND (*continued*).—PROGRESSIVE CLASSIFICATION IN LOCAL PRISONS.

A REALLY great and long-needed reform has been introduced into the local prisons with the new system,—the progressive classification of prisoners. Beginning with rigidly penal conditions of food, bed, labor, and general treatment, the prisoner has to work himself up gradually by good behavior and industry into higher stages, in which he is subjected to a less irksome régime and meets with various welcome ameliorations of his condition. A powerful stimulus is thus afforded to good conduct and diligence. It would occupy too much space to describe the system in detail; a rapid glance must suffice. There are four stages. The prisoner's merit is attested by marks. Eight marks is the maximum number that can be earned in a day. The prisoner remains in the first stage until he has earned two hundred and twenty-four marks, which he may do in twenty-eight days, and then he passes into the second stage. By earning the same number of additional marks he passes into the third, and in like manner into the fourth; so that every prisoner having a sentence of more than four months may reach the highest stage, where he will remain during the remainder of his term unless degraded for misconduct and by way of punishment. No gratuity can be earned in the first stage; a shilling may be earned in the second, one-and-sixpence in the third, and two shillings in the fourth, for every two hundred and twenty-four marks. Divers other advantages are obtained at each advance, which are highly valued.

The money-rewards under the above scale for satisfactory labor and conduct are, it will be seen, very small in amount. This has led to many protests on the part of the friends of discharged prisoners and of aid societies. These societies formerly received grants from the Government amounting sometimes to ten dollars. Under the new system these grants have ceased. This seems more like retrogression than progress.

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CHAPTER III.—ENGLAND (*continued*).—CENTRALIZATION.

BUT the most objectionable feature of the system is, in the opinion of many Englishmen, its strong centralization,—its abolishment of most of the useful visitation and influence of the local magistrates resident in the immediate neighborhood of the

various prisons. These gentlemen are still permitted to visit the prisons, but their actual power therein is at an end. It is transferred to a central board largely military in its constitution both as to directors and inspectors, — far too military, according to my conception, for the best interest of the prisons, the prisoners, and the country. The camp and barrack training of the soldier forms by no means the best preparation for the comprehension, still less for the administration, of any system of moral and religious government of men. I have mingled largely among the local magistracy of England in many different localities, and know that their ranks contain many gentlemen whose sound sense, large benevolence, and genuine piety render them eminently and even pre-eminently suitable to act as jail visitors. But practically their services have been, at least in large degree, dispensed with under the new system, and no substitute provided. Many protests have been issued from the public, the press, and the magistrates themselves against this feature of the new administration of prisons. At the Staffordshire Sessions recently, Lord Norton, a most experienced man in all matters relating to criminal legislation and penitentiary administration, said “he believed that nothing could be more disastrous to the interests of the country than the visiting justices losing their power of conducting and superintending the management of the prisons.” At an inquest lately held in London on the body of a deceased prisoner, Sir W. H. Wyatt, chairman of the committee of Middlesex magistrates, said: “Under the new law the committee of the visiting justices are without power to be of the slightest protection to the prisoners.” On this occasion the coroner’s jury returned a verdict that “the prisoner’s death was accelerated by the repeated and excessive punishment of bread-and-water diet which was ordered;” the friend who communicates this fact adds, “together with hard labor,” — on the treadmill it is to be presumed. In April, 1879, a meeting of magistrates from different parts of England was held in London. Mr. Alfred Aspland, reflecting the general feeling of the convention, declared that it was being sought to “establish a military despotism in the jails.” The mayor of Birmingham telegraphed that the new system “is most objectionable and mischievous.” Not only has the visitation of local justices been thus reduced and crippled, but the previously too restricted visits of judicious and philanthropic outsiders has been all but abolished. This is certainly a retrograde step; at least we Americans should so regard it, for here we find such labors, duly guarded, among the best, the holiest, and the most beneficial influences brought to bear upon prisoners, — as in a former generation were those of John Howard, Elizabeth Fry, Sarah Martin, and others, their co-laborers, in England.

CHAPTER IV. — ENGLAND (*continued*). — DIET SCALES. — CUMULATIVE SENTENCES.

VERY elaborate diet scales have been established by the English prison board, with allowances of so many ounces or so many pints of this, that, and the other kinds of food and drink. No doubt the best sanitary and medical science has been employed in framing these dietaries. But in America we manage these things differently. Science is consulted as to the varieties and succession of food adapted to the promotion of health and strength. This determined, we give of the substantials all that the prisoners want; and we find this plan to be the cheapest, as well as the most satisfactory. It is against nature to weigh out the same quantity of food to each one of five hundred men, for one constitution will require one third or even one half more than another; so that by giving to all share and share alike, the inevitable result will be either waste or deficiency.

A great hindrance to the efficiency of common jails and misdemeanant prisons, in England as elsewhere, is the constant recommitment of inveterate offenders for repeated short terms. Mr. Tallack found in the York-castle prison a woman undergoing her one hundred and fiftieth useless, worse than useless, short imprisonment. He says that it is not uncommon to meet with prisoners in English jails serving out their fiftieth, eightieth, or one hundredth term. Such imprisonments are not long enough either to teach a trade, or give needed education, or establish good habits, or even to intimidate and deter. To cure this evil, rapid cumulative sentences on repetition of crime is the sole remedy; and this system is urged by the best men in England, with strong hope and some prospect of success.

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CHAPTER V. — ENGLAND (*continued*). — RELIGIOUS AND SCHOLASTIC INSTRUCTION. — LIBRARIES. — BUILDINGS. — MORAL ACTION.

MUCH attention is given in English prisons to the very important matter of religious instruction, and also to that of secular lesson-learning. The chaplain and the schoolmaster are found in every jail, and so is the library, — all giving faithful instruction, and all doing good and useful work. In these respects English jails will compare favorably with American



prisons; we can hardly claim to be square up to the English standard.

I have personally visited and inspected many of the convict and other prisons in England. The prison buildings are substantial and pleasing structures, generally on the radiating plan, with lofty towers attached for purposes of ventilation. The grounds are handsomely laid out with parterres and gravelled walks, and ornamented with flowers, vines, and shrubbery. The cells are large, airy, and well-lighted, each having a water-closet, gas-burner, and other appliances for convenience and comfort. The chapels (I speak generally) are of ample dimensions, with groined roof, and well-suited to produce a solemn and soothing effect upon the mind. An extraordinary cleanliness reigns everywhere; one is particularly struck with the brightness of the brass fittings and the polish of the metal staircases. The hospital accommodations are excellent. The ventilation, drainage, and other sanitary arrangements are the best that science can supply. The discipline is exact and rigidly enforced. There is a certain charm in the symmetry, harmony, and clock-like regularity of the whole which takes away, at least from the first view, the awe and horror anticipated by the inexperienced observer.

But there is, unhappily, a *per contra*. While the material aspect is perfect, and the material efficiency very high, the moral action appeared to me rather feeble, — not in all, but more often than otherwise. The shell seemed to be preferred to the kernel, the form to the substance, and reformatory discipline to be made of less account than punitive inflictions. Too little account is made of industrial work; too much of wasted labor, — crank, shot-drill, treadmill, and the like. The will-power of the prisoners is not adequately developed. Seventy years' experience of men, seventy years' work among men, have impressed one idea upon my mind; it is that nothing can be done with men except through the will, and the will can be reached only through the intelligence and the heart. For this religion, in all its freedom and power, is necessary; and, in the case of prisoners, progressive classification, whereby the motives which control men in free society and urge them to industry and virtue, may act steadily and effectively upon them, determining to good the choices of their will and the actions of their life.

CHAPTER VI. — ENGLAND (*continued*). — REFORMATORY AND PREVENTIVE SYSTEMS.

THE preventive and reformatory work of England, so far as it relates to juveniles, is based upon a thoroughly right principle, — private initiative with governmental support, — and is carried out with a zeal, efficiency, and success which challenge comparison with all that is wisest and best in this line of effort.

The English reformatory school as corrective of criminality, and the English industrial school as preventive of crime, furnish to the world the best model, upon the whole, of which I have any knowledge. The system in brief is this : The State has enacted a general law, authorizing private citizens to found industrial and reformatory schools whenever and wherever such institutions may in their judgment be needed. When an establishment of this kind is ready for occupancy, it must (such is the requisition of law) be examined and certified, by a duly authorized government inspector, as a place suitable, that is, having all the necessary buildings, grounds, and appliances for the purpose. Thereupon the State issues a certificate to that effect, and guarantees a certain moderate sum to be paid to the institution weekly for each inmate received and cared for. The industrial school is of a preventive, the reformatory school of a curative, character ; and together they cover the whole field of delinquent juvenile treatment. It is easy to see what a stimulus such an Act must be to private initiative ; and, in point of fact, it has dotted the United Kingdom all over with preventive and reformatory institutions, in which elementary, scholastic, and industrial instruction is given, and the moral and religious needs of the children are carefully provided for without any jar to sectarian or denominational prejudices.

A remarkable fact in the history of this work in England is, that, while the number of reformatory schools has remained stationary at (I think) sixty-five during the last fifteen years, the number of industrial schools has more than doubled in that time, increasing from fifty to considerably over a hundred. This shows that the multiplication of preventive agencies does away in some degree with the necessity for those of a reformatory character, to say nothing of jails and penitentiaries.

The system of industrial schools has been in operation in Great Britain for about twenty years ; that is to say, the system as now established by law, for that of day industrial feeding schools was commenced by Sheriff Watson in Aberdeen, Scotland, to whose genius the original conception is due, as far back as the year

1840 or 1841. The results of this system of preventive institutions have been most encouraging. In some localities — Aberdeenshire, for example — it has cut up juvenile vagrancy by the roots, and well-nigh annihilated juvenile crime; and everywhere it has changed the character of youthful criminality, bringing it down to a milder type, and breaking up those combinations of youthful thieves which had previously been such a menace and peril to society. It is a question, in Great Britain, whether the children gathered into the industrial schools should receive only food and instruction, or clothes, lodging, and domestic guardianship as well. Scotland favors the former of these plans, while England apparently gives her preference to the latter.

Besides this union of private benevolence with Government supervision and support, which has just been explained, there are other principles on which the English reformatory and preventive system is built, and on which the greatest stress is laid :

1. The use of moral in preference to physical discipline. All these institutions are organized and carried on as schools, most of them as farm-schools; there is nothing of the prison about them, — no walls, no spies, no guards; family influences are made prominent and predominant.
2. A thoroughly religious character is impressed upon the management; none of them belong to the class called secular. Religious teaching is an essential feature; the Bible is the recognized source and chief instrument of the religious instruction given.
3. Adequate instruction in the common-school branches. The "ologies" are not taught, but the children are well drilled in the three "r's," — reading, 'riting, and 'rithmetic.
4. Industrial training is much insisted on; not less than six hours, sometimes more, being given to it. The boys of the reformatory school work in the field or the shop; the girls in the laundry, the house, or the sewing-room. The children of the industrial school, being younger, have lighter work, and are not held so closely to it.
5. Supervision and occasional help after removal, and while they are making good their footing in the world. As a rule, they are carefully held in view, regularly reported on, and, when necessary, aid is given.
6. The responsibility of the parent to aid in the child's support, where he has the ability, is fundamental, and is enforced to the utmost extent possible. Not less than \$60,000 a year are thus collected from parents towards the maintenance of their children in these schools. Sometimes as much as a dollar a week is thus obtained from the parent; more commonly a half or a quarter dollar; but, of course, in the majority of cases nothing at all.

Besides these two hundred institutions, or thereabout, substantially maintained by the Government though owing their existence to what is called private initiative, the name is legion of homes, refuges, schools, not only founded but supported



by individual benevolence, without so much as a thought of looking to the Government for help, yet all doing a kindred child-saving work ; for, indeed, it ever takes the labor of one generation to save the next. Look at that wonderful, colossal, almost stupendous enterprise of private charity and personal self-sacrifice, — the Ragged School Union of London. Why, the annals of time offer no parallel to the work done and the results achieved by this one benevolent organization within a generation, at a cost in money less than would be required to build a single line-of-battle-ship in any of the navies of the world. Look at what is called the boarding-out system for depauperizing and saving pauper children, which had its birth as it were but yesterday in Scotland, and which has spread into England and Ireland, carrying its healing and life-giving influence to thousands of little children, the most of whom, without such influence, would have swelled the ranks of crime and crowded the jails and penitentiaries of the British realm.

The prevention of crime rather than the moral cure of those who have been guilty of it — important as this last is, beyond all question — is the supreme object of the studies and labors which have drawn the attention and excited the activity of the friends of humanity throughout the civilized world. And such prevention, whether in the case of children or adults, is to be mainly effected in three ways : 1. By a higher development of the moral sentiments, through a better and more effective moral and religious instruction and culture. 2. By the removal and suppression, so far as possible, of the exciting causes of crime, — such as pauperism, misery, luxury, intemperance, and the contagion of evil passions and evil examples. 3. By direct measures to hinder the commission of crime through the agency of an honest, pure, gentlemanly, and active police.

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CHAPTER VII.—ENGLAND (*concluded*).—AID TO DIS-  
CHARGED PRISONERS.

THE work of aiding discharged prisoners is as broadly and thoroughly organized and as wisely and effectively administered in England as in any country in the world ; such at least is my belief.

The celebrated Mrs. Fry appears to have been one of the first persons (if not the very first) who established a prisoners' aid society, in the modern sense of the word, in Great Britain. Several of the existing societies, both in England and on the conti-

ment of Europe, were directly founded by her. Others gradually arose in different parts of the country, until, in 1878, the total number of such societies in Great Britain was estimated at fifty-two.<sup>1</sup> This number is exclusive of reformatories for juvenile criminals, but includes homes for female offenders when exclusively or principally designed for discharged female prisoners. Penitentiaries for fallen women and other institutions which only occasionally receive discharged prisoners are not embraced in the list. These fifty-two societies include within their operations all convict (that is, long-sentence) prisons and the greater number of the most important local prisons; but there yet remain considerable districts which are unprovided with any organization of the kind. It is hoped that an effort will shortly be made to supply this deficiency and complete the network of prisoners' aid societies throughout (at least) the whole of England.

In 1862 was passed the first Act of parliament relating to prisoners' aid societies (25 and 26 Vic. cap. 44). This Act authorized the visiting justices of the several prisons in England and Wales to make grants of money (not exceeding in each case two pounds) to be applied by a prisoners' aid society for the benefit of particular prisoners. These provisions have been continued, in substance, in subsequent statutes and extended to Ireland, and under them considerable sums of money (amounting in 1877 to £1,500 or upwards) have been paid to the several societies and applied by them. These sums represent, however, but a small part of the total amount expended by the societies, the remaining portion consisting for the most part of voluntary contributions.

The mode in which most of these organizations carry on their work is by placing the prisoners befriended by them in lodgings, and assisting them to obtain employment in whatever way may in each individual case appear most expedient. Emigration is not resorted to except in rare cases; nor, with few exceptions, have workshops been opened by the societies themselves. Female discharged prisoners are usually placed for a time in such "homes" or "refuges" as may be available, from whence they are usually sent out (after adequate probation) as domestic servants. For adult male discharged prisoners very few homes exist, and opinion is divided upon the question of their advisability. Undoubtedly several such institutions which have been established have failed. Others still exist, and appear to be successful. In general, however, the system of individual treatment, as it may be termed, is preferred.

A great change has recently taken place in the position of

<sup>1</sup> In Ireland, owing to difference of religion and other local circumstances, the prisoners' aid movement has made but little progress, at least as regards male prisoners. For female discharged prisoners, however, institutions exist, and there are also several recognized aid societies for both sexes.

prisoners' aid societies. By an Act of parliament (the prison Act) passed in 1877, but coming into effect as we have seen in 1878, the whole of the former county and borough prisons of England and Wales have been transferred from the hands of the various local authorities into those of the State. A like Act has been passed with regard to Ireland. The entire cost of the prisons of the country is now therefore thrown upon imperial as distinguished from local funds; and whatever sums may hereafter be granted, under the Acts of parliament already mentioned, to discharged prisoners' aid societies will be similarly defrayed. The arrangements necessitated by so great a change of administration are not yet completed; and it is consequently impossible to say as yet what their effect will be. The home secretary (Mr. Cross) has, however, expressed a high sense of the value which he attaches to the work of prisoners' aid societies, and has given satisfactory assurances as to the character and amounts of the pecuniary and other assistance which he proposes to afford to them. His final decision upon these points is expected, I believe, very shortly; and it is hoped that with it will commence a period of increased activity and usefulness in the work of assistance to discharged prisoners in Great Britain.

It has been remarked in a preceding paragraph that on the question of homes or refuges for liberated male convicts public opinion wavered, but upon the whole did not incline to favor them. But as regards the two established in connection with the Wakefield prison (West Riding of Yorkshire) there can be no doubt as to their excellent organization and no less excellent results. One of these is a home for the female prisoners discharged from that prison; the other a refuge for the men, similar in design and character. The chance here afforded through these admirable establishments to every released prisoner, male or female, who desires to reform and eat honest bread, is beyond all praise. In the male refuge, at the time of my visit in 1871, there were accommodations for forty inmates, but they could at any time be readily enlarged so as to admit a considerable number more. The inmates are furnished with good board; clean and well-aired dormitories; a bed consisting of an iron bedstead, a first-quality hair-mattress, three sheets, two pillow-cases, two dark blankets, one white coverlet; a box serving at once as a trunk and a seat; a night-school every evening; a preaching service and Sunday-school on the Sabbath; a well-selected miscellaneous library; a reading-room, provided with daily and weekly journals, etc.,—all at an average rate of 7s. 2d. sterling *per capita* a week. They work at mat-making, and their average weekly earnings are from eleven to twelve shillings. They do piece-work at rates a little less than those usually paid, because the refuge is not designed to afford permanent employment, but merely to bridge over the



chasm between the prison and steady remunerative labor. This chance is given to every man and woman released from the Wakefield prison who desires it, and its benefits are fully explained to all during their incarceration ; so that not a solitary person discharged from that prison can ever come back to it under the pretext that he could get no work to do. Is not that noble ? Why may not all large penal establishments organize something of the same kind ?

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#### CHAPTER VIII. — SCOTLAND. — TRANSITIONAL STAGE. — CONVICT SYSTEM.

IN respect to her prison management, Scotland is passing through the same transitional stage as England ; namely, in the transfer of her prisons from local to government control, and the reorganization of the system of administration. The changes thus far effected in reducing the number of prisons and prison officials, and in the prospective reduction of cost and the unification of convict treatment, have already been stated in the immediately preceding chapter. It was not to be expected that so vast a change could be accomplished in the penitentiary system and administration of a whole country without a good deal of friction. Hence there has been irritation, and there have been complaints on the part of the local magistracy and their friends in Scotland as in England. "Let there be no strife." It is to be hoped that the central and local authorities will soon find a common ground to stand upon, for "they be brethren." Let the "locals" yield gracefully what they must, and let the "central" not press too hard. Let the Government make all possible use of and leave all possible power to those excellent and faithful men, the "county justices," not inconsistent with its supremacy ; and, above all, let it not cripple the vital work of aid to released prisoners by withholding grants of money which are essential to its efficiency.

The convict system of Scotland is represented by three establishments, — the general prison at Perth, and the county prisons at Paisley and Ayr. Four classes of prisoners are admitted into the first : 1. Ordinary prisoners under sentences of nine months to twenty-four months. 2. Male convicts during their probationary term of nine months, prior to being transferred to the convict prisons of England, where they serve out the remainder of their sentence to penal servitude. 3. Female convicts, subsequent to their nine months' probation in the county prison at Ayr. 4. Criminals and dangerous lunatics, sentenced to be de-

tained during Her Majesty's pleasure. In the county prison at Paisley, besides the ordinary inmates of this class of establishments, Protestant male prisoners are admitted for their nine months' probationary term. In the prison at Ayr, Protestant female prisoners are detained in the same way, prior to transfer to Perth to undergo the milder discipline to which they are subjected during the latter portion of their sentence to penal servitude. It is for want of adequate accommodation at Perth that the convicts are placed in these county prisons. The Government pays their board, and receives the avails of their labor.

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CHAPTER IX. — SCOTLAND (*continued*). — COUNTY PRISONS. —  
POLICE SUPERVISION. — AID TO DISCHARGED PRISONERS.

THE sentences of prisoners detained in the principal county jails vary from twenty-four hours to twenty-four months. The rule is, however, to transfer all prisoners (not convicts) sentenced to nine months' imprisonment and upwards to the general prison at Perth. Chaplains, school-masters, schools, and libraries are provided in all the prisons, general and county. The dietary varies according to the sentence, regard being had to the duration of this latter, and to the question whether it is with or without hard labor. The labor is both productive and unproductive. The unproductive is exceptional, and the machine provided for it is the crank. The productive labor does not produce too much. The average per prisoner is under fifteen dollars a year, and there are only four prisons that reach an average of twenty-five dollars, the highest being fifty-five. The cost of public prosecutions for petty offences in the large counties is often very high, yet the short imprisonment inflicted on the offender is said to produce little or no beneficial effect, being but a stereotyped repetition of what he has undergone scores of times before. Intelligent Scotchmen believe that, for trivial offences, compulsory labor in his own neighborhood would in the majority of cases be more deterrent, more improving in its moral effect, and more remunerative than repeated short terms of imprisonment; it could not possibly be more deleterious.

Police supervision is found to work admirably. Prisoners inclined to do well are protected; those who follow vicious courses and relapse into their old habits are summarily dealt with.

An excellent plan of aiding discharged prisoners is adopted. On liberation each convict prisoner receives a gratuity of twenty dollars, subject to deductions for misconduct at the rate of half a

dollar for each offence against discipline. Payment is made thus : five dollars are given to the convict on discharge ; after that he is paid in instalments of two dollars at the end of every fortnight, on condition, however, that on each application for payment he forward at the same time a certificate signed by the police, stating that he is obtaining an honest livelihood. Thus four months will have elapsed before he receives his last payment, and he must go on well so long, or forfeit all that is behind. The ordinary prisoners receive gratuities ranging from five to ten dollars, according to their industry and conduct in prison. The insane are employed in a garden attached to their house, in which twenty-five of them, working two hours a day on an ungenerous soil, raised in 1871 vegetables enough nearly to supply seven hundred prisoners with all they needed throughout the year. These insane prisoners were much benefited, both physically and mentally, by their work. Referring to the profitable results arising from this labor of the insane, Mr. Moncure, who was a member of the London Congress in 1872, and at that time governor of the general prison at Perth, expressed the hope that these results might lead to an extension of such labor among criminals of sound mind. He felt persuaded that, by selecting the right prisoners, good soil, and favorable localities, Scotland might turn its convict labor to as profitable account as could be done elsewhere in any part of the world.

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CHAPTER X.—SCOTLAND (*continued*).—A NEW PLAN SUGGESTED EXTRA-OFFICIALLY.

AN esteemed correspondent in Scotland has thought out and elaborated a system of prison discipline resembling that of Sir Walter Crofton, though differing from it in some respects, which he communicated to me as chairman of the international penitentiary commission, with a view to having it laid before the Congress of Stockholm. He has himself revised and printed his essay, and it is now lying on my table as I write. It is a production of much merit, and I regret that, for lack of space, I must confine myself to a very brief and meagre analysis of it. The writer holds that the fundamental error of every deterrent system is the idea that a criminal might at once abandon a vicious life and become a law-abiding citizen ; and that if the prison is only made sufficiently uncomfortable and terrifying, he will never again allow himself to fall into the clutches of the law. Facts prove both conclusions false. He considers that crime is the result of a moral obliquity, varying in intensity from a slight weakness to



an utter distortion of the moral faculties. No one ever becomes a scoundrel at once; and, *a fortiori*, none ever changes from a vicious to a virtuous life on the instant. Fear may produce good resolves, but cannot effect that change of mind and heart which will hold him to his resolutions; fear may push behind, but hope, the more powerful agent, must pull in front, or relapse is certain.

The writer divides criminals into three classes: the most hardened, the moderately depraved, and those only slightly turned aside from the right. He calls them, by a nomenclature not very happy as he himself admits, the inveterate, the ordinary, and the convalescent criminal; and he provides for them in the order named the prison, the penitentiary, and the moral sanitarium. The discipline of the first must be severe, to subdue the will; of the second, mild, though firm, to secure a voluntary surrender of the will; of the third, so gentle as scarcely to be felt, while the will is in process of being restored to its owner, and himself supported while regaining the command of it. It is the absence of this last and probationary stage which causes such numbers so speedily to relapse.

The writer would have the prisoners transferable from one of these establishments to another, both forward and backward according to circumstances. The agents to effect these transfers should be selected from among the wisest and best citizens, and the methods of making them carefully weighed; and then a broad discretion should be given them. The judge would determine, in the first instance, to which class of establishments the prisoner is to be sent; but as he can only take cognizance of the crime and its circumstances, without knowing the state of mind that led to it or the degree of depravity in its perpetrator, his stay in that establishment beyond a fixed minimum to each class would depend on the exertions of the prisoner to earn promotion and eventual freedom. Here is the indeterminate sentence first suggested by Mr. Frederic Hill when he was prison inspector for Scotland, and so ably and vigorously pressed by his brother Matthew Davenport Hill, while recorder of Birmingham, in his various charges to the grand jury.

Many and even important points are left out of this sketch, which it would be interesting and instructive to bring out; but my restricted limits forbid further analysis.

In a private letter my correspondent sets forth the advantages which would result from the adoption of his plan. For these, or some of them, room must be made:—

1. A man not innately or deeply vicious would soon regain his freedom.
2. Mutual contamination would become well-nigh impossible.
3. Insanity and suicide would become of much rarer occur-

rence; there would be nothing to develop the one, or drive to the other.

4. The control exerted over each prisoner would be in inverse proportion to his ability to govern himself.

5. It would satisfy public sentiment; for though it is justly considered cruel arbitrarily to pronounce a man "incorrigible," and thereupon segregate him for life, there can be no cruelty or even hardship in detaining him until such time as he proves himself not only corrigible, but corrected.

6. Never being set at large until pronounced "hopeful" by the best judges reconvictions would become much rarer, and injury to the public by criminals at large but unreclaimed would be diminished, as would also the cost of re-arrest and trial.

7. Much larger numbers than now would be re-absorbed into the ranks of honest industry.

8. Prison punishments might be almost wholly dispensed with.

9. The moral sanitarium would replace the workhouse as the receptacle of the sturdy beggar, the brutal ruffian, the thriftless "ne'er-do-weel;" and the nation, no longer saddled with the risk of encouraging pauperism, would take proper care of its aged, infirm, and respectable poor.

The writer kindles into a glow of patriotic and philanthropic enthusiasm in the contemplation of the almost illimitable possibilities of the moral sanitarium in its industrial, financial, and reformatory relations,—indulging in anticipations so fervid and radiant that I hardly dare repeat his language; and in conclusion he exclaims: "I can think of no other device so effectual for purifying society. Would that I had the funds and legislative sanction to my commencing the experiment to-morrow! No lingering doubt remains in my mind that it could be conducted to complete financial success, and that it would afford to those who have forfeited their self-control such a help to achieve their own reformation as has never yet been accorded to them." 'Tis at once cheering and bracing to witness such faith and enthusiasm in a good cause.

#### CHAPTER XI.—SCOTLAND (*concluded*).—AID TO DISCHARGED PRISONERS.—CHILD-SAVING INSTITUTIONS.

AID to discharged prisoners is well organized and successfully worked in Scotland. The system of reformatory and industrial schools, and of active child-saving work by benevolent individuals without Government aid, is the same in Scotland as in England,—is conducted on the same general principles,

and is productive of the same wide and excellent results. Repetition is therefore useless, and would but encumber my pages. It may however be stated in passing, that the idea of the industrial school and the idea of boarding-out pauper children,—that is, finding homes for them in respectable Christian families, both so widely spread to-day, both so richly freighted with seeds of salvation,—had their origin in Scotland, where hearts are warm and tender in spite of frosty climate and rock-ribbed soil.

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## CHAPTER XII.—IRELAND.—CONVICT SYSTEM.

IRELAND has become famous in the history of prison discipline and reform. The system applied in her convict prisons,—sometimes called the Irish system from the name of the country, and sometimes the Crofton system from the name of its author,—is too well and widely known to need minute description. It may be shortly defined an adult reformatory, in which through moral agencies the will of the prisoner is brought into accord with the will of his keeper, and held there so long that virtue becomes a habit. Its fundamental principle is progressive classification; its supreme force hope. The sentence is always to penal servitude, and is never less than five years, though so long a term is by no means an essential condition of the system. It can be applied to imprisonments of a year, or even less; but as in other penitentiary systems, its reformatory action will be diminished by being made too short. The system has three stages: 1. A penal stage of cellular separation continuing eight months, but may be prolonged to nine months by misconduct. 2. A reformatory stage, where the progressive principle comes into play, of unequal duration according to length of sentence. 3. A probationary stage to verify the reformatory action of the preceding discipline. To these should perhaps be added a fourth,—that of conditional liberation on ticket-of-leave.

The first stage is passed at Mountjoy in Dublin. There are two prisons here (cellular of course), one for male, the other for female prisoners.

I will first speak of the prison for men. The only form of penal labor here is oakum-picking, at which the prisoners are kept three months; after which they pass to shoe-making, tailoring, mat-making, weaving, etc. For the first four months they get no meat; during the second four they have meat twice a week. In other respects the food is plain, but sufficient. The diet of the sick is such as may be prescribed by the medical officer.



There are three regular chaplains, — Roman Catholic, Church of England, and Presbyterian, — each of whom holds one full service on Sunday, and a shorter one every morning during the week for the benefit of the prisoners. They visit the prisoners in hospital daily and in cell frequently.

Much attention is given to elementary education, wherein the progress of the prisoners is reported on favorably by the inspector of public instruction for the outside schools. Special pains is taken to explain to them the whole course and progress of their imprisonment, and all the advantages to be derived, as respects promotion to advanced stages and classes, from good conduct, industry, diligence at school, and moral improvement.

The effect of these several agencies and efforts is hope, courage, cheerfulness, and a patient waiting for promised ameliorations. Indeed, these begin quite early to the well-behaved during the period of cellular separation. At first the seclusion is absolute. After a while the cell-door is thrown open a part of the day, then all day. This is felt to be a great alleviation ; but it is withdrawn for any misconduct, however slight. The prisoners in this stage are together in chapel, school, and exercise, but no communication is permitted.

Scarcely any of the prisoners forfeit their promotion to the second stage at Spike Island at the end of eight months, which is the minimum time. Nearly all go there reported as "very satisfactory," — the highest character they can earn at Mountjoy, and which can only be gained by unexceptionable conduct.

Here, however, it must be stated that a portion of the men — say, an average of twenty-five to thirty — pass the second stage of imprisonment at Mountjoy. They are so detained, partly because they are needed to do work for the Mountjoy prison, and partly because it is more convenient to have the shoe-making done here for all the convict establishments. But they work in association, and have the same system of classification as those at Spike Island. Not less than four out of five earn promotion to the intermediate prison (third stage) within the minimum time. As I have more than once passed through this prison, whenever I came in contact with the under-officers I have been struck with their kindly bearing towards and their seeming interest in the prisoners. "Tell me," I have said to the governor, "do you think that their interest is genuine, and that they really desire to change these bad men into good ones?"

"I am sure it is so," he replied, "at least as a general rule."

Pursuing the inquiry, I have added, "And how do the men regard their officers?"

"They look upon them," he has replied again, "as their friends, as persons who really sympathize with them, and earnestly strive for their improvement."

The Mountjoy prison for women is conducted in substantially the same manner as that for men, and with like results: a repetition would be tedious. All the women, however, pass their second as their first stage here. There is the same classification as at Spike Island, and four-fifths at least earn their promotion to the third or intermediate stage within the minimum time permitted by the rules. During the cellular stage the women have for work sewing, knitting, and plaiting coir. In the progressive stage the industries are tailoring and laundry-work. The clothing for all the convict establishments is made here, and a large amount of laundry-work is done for public institutions of various sorts.

The second stage, as already stated, is that of progressive classification. This stage, with the exceptions named above, is passed at Spike Island, at the Southern extremity of Ireland. On the occasion of my last visit to this establishment, in 1875, the number of prisoners was seven hundred. All, or nearly all, of the able-bodied among them were engaged at labor on public works, — quarrying and dressing stone, and building government docks of a massive and substantial character, on the little island of Haulbowline, a naval station connected with Spike Island by a bridge for foot passengers only. There is a probation class here, but so very few are placed in it (mostly those who on medical grounds come before the time) that it may properly enough be left out of the account. Practically, the classes at Spike Island are four; namely, third, second, first, and advanced. Merit is measured and attested by marks. Each prisoner can earn nine marks per month, — three for good conduct, three for industry, and three for diligence at school. All, with the exception noted, are placed in the third class on their arrival. In order to promotion to the second class a certain maximum of marks must be earned; but this maximum is not the same for all. Why? Because all do not arrive at Spike Island with the same record from Mountjoy. The records which they bring are, “very satisfactory,” “very good,” “good,” “ordinary,” “indifferent.” Those classed as “very satisfactory” are promoted when they have earned eighteen marks, that is, in two months; the “very good” are required to earn twenty-seven; the “good,” thirty-six; the “ordinary,” forty-five; and the “indifferent,” fifty-four. So that these last cannot reach the second class in less than six months. This arrangement acts as a powerful stimulus upon the prisoners while yet at Mountjoy, insomuch that the vast majority arrive at Spike Island with the record “very satisfactory.” Promotion from the second to the first class requires a credit of fifty-four marks, equal to six months; from the first to the advanced, of one hundred and eight marks, or an entire year. These are all the maximum of marks and the minimum of time.

The classification as will be seen is altogether moral ; there is no physical separation. Prisoners belonging to the different classes are intermingled while at work ; they can however be readily distinguished as appertaining to the advanced, first, second, or third class by their clothing and their badges. At the time of my first visit, in 1871, the exact number of prisoners was seven hundred and five ; advanced class, three hundred and twenty ; first, two hundred ; second, one hundred and one ; third, eighty-four. The motives to strive for promotion are not only powerful but constant, and constantly increasing in strength. The progress towards liberation is the great force, but there are manifold motives besides to exertion, self-control, and self-conquest. With every advance there is an increase of privilege, of gratuity, of liberty. The great point is to induce the prisoner to become an agent in his own reformation. Till this is done, nothing is done. The result is, as I learned from many prisoners with whom I was permitted freely to converse quite apart from the officers, that the whole prison population with few exceptions are putting forth vigorous effort to obtain their promotion within the minimum time ; that Lusk is ever in their thought and on their tongue ; and that the hope of reaching that coveted goal, and respect and esteem beyond it, keeps up heart in them and produces alacrity and cheerfulness at their work.

As the rewards are mainly moral, so are the punishments : loss of marks, forfeiture of gratuities, withdrawal of privileges, degradation to a lower class, remanding to the cellular prison at Mountjoy, and so on.

The third stage for the men is the intermediate prison at Lusk, twelve miles from Dublin, so called because it holds a middle place between a punitive prison and full liberty. The aim here is twofold : (1) To test the prisoner's reformation, his power of self-control, his ability to resist temptation ; and (2) To train him for a considerable period — never less than six months — under natural conditions, and so to prepare him for full freedom by the enjoyment of partial freedom as a preliminary step.

The buildings here were originally two iron huts<sup>1</sup> erected at a cost of one thousand five hundred dollars, capable each of accommodating one hundred prisoners, though the number now does not exceed fifty. My first visit to Lusk was in the middle of October, and the prisoners were at work on various parts of the farm of two hundred acres. Everywhere they were as busy as bees and apparently as happy. I never saw a brisker or more cheerful set of laborers. They accomplish fully as much work as an equal number of free hands. Here then is a prison which is not a prison, being without bars, bolts, or encircling walls ; yet in

<sup>1</sup> One of them has since been replaced by a plain stone structure.



twenty years there have not been twenty escapes. It proves the truth of Dr. Wichern's paradox: "The strongest wall is no wall." It proves the truth of the more literal averment, quite kindred in import, of M. Valherot of the Institute of France: "Attraction, in the realm of mind, is the greatest directing force, the surest means of government."

Truly Lusk is a magnificent triumph of reason and humanity over coercion and brute force, — a splendid and irrefragable testimony to the soundness of the principle of progressive classification as the corner-stone of a reformatory system of prison discipline.

The Golden-Bridge Refuge, three miles from Dublin, serves the same purpose for the female prisoners as Lusk does for the men; namely, that of serving out the third or probationary stage. Mrs. Kirwan, a Sister of Charity, — belonging, I think, to one of the noble families of Ireland, — is the head of the establishment. She is brimful of genius, heart, energy, enthusiasm, good sense, and devotion to her work. She combines gentleness with firmness and piety with worldly wisdom in a remarkable degree. When she talks she pours out such a torrent of vigorous thoughts and burning words that one becomes spell-bound in her presence, dreads to interrupt her, and feels that he could listen "from morn to dewy eve" to the majestic sweep of her eloquence. She has usually, I believe, about twenty women under her care, received from Mountjoy female prison, after having there passed through the three stages of their imprisonment, and by good conduct and industry earned their transfer to Golden Bridge, which is, as before intimated, virtually the intermediate prison for the female convicts. She however retains them longer than the men are kept at Lusk, having utterly refused to receive them at all unless she could hold them until she felt a good degree of assurance that they were strong enough, so to speak, to go alone, and would not be likely to relapse again into crime. The customary period of detention here is sixteen months, but by extra good conduct and industry this may be reduced to ten months. She rules them with an absolute sway, but it is a government of moral rather than physical force, — love and the kindness flowing from it being the power which gives her an influence over these bad women well-nigh illimitable. She declares that the three great forces which she employs, and which give her such a wonderful ascendancy over them, are liberty, confidence, and work. She assured us that she has no difficulty in finding places for them whenever they are considered fit for their discharge; that nearly all of them do well; and that a very small percentage fall back into crime and are returned to prison, — a statement confirmed by Captain Barlow, director of convict prisons. To my inquiry as to what amusements the women have, she replied quickly and with em-

phasis: "When they are through with their work they dance jigs, sing songs, and amuse themselves just as they please. I hate mock self-restraint."

Beyond taking care of a large kitchen-garden, which is rather a recreation than a task, their only occupation is laundry-work, of which they have always a plentiful supply, and they do it admirably. They are passed in succession through each department of the refuge, so that they learn every kind of household work, and are thoroughly prepared for domestic service before they leave the establishment.

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### CHAPTER XIII.—IRELAND (*continued*).—COUNTY JAIL SYSTEM.

ALL that I have been able to obtain in regard to the operation of the recent prison Act for Ireland, which went into effect there as in England and Scotland fifteen months ago, is contained in the following latest annual report of the Howard Association of London:—

"The new prison Act is a reality for Great Britain; but as to Ireland its results are very disappointing. Yet there it was specially needed. There are, besides bridewells, thirty-eight county and borough jails in Ireland. Altogether they contain under three thousand prisoners,—that is to say, fewer than the two English jails of Coldbathfields and Wakefield! In some Irish prisons there are almost as many officers as prisoners. The great anomaly of these thirty-eight jails for so few inmates has been perpetuated by some influential persons insisting upon a clause in the Act that every county should still have at least one jail. Many of the bridewells, or 'lock-ups,' have been discontinued; but the whole thirty-eight county prisons remain. What a contrast to Wales and the wise operation of Welsh influences! About half the Welsh jails have been or will be suppressed by the new Act."

The bad system of repeated short sentences is largely practised in Ireland, with its customary bad results. As in England and Scotland, the county jails here receive prisoners sentenced for terms of imprisonment varying from one day to two years. Strange to say, the commitments for twenty-four hours are said to be "very numerous." Most of these cases are for drunkenness, and the only effect is to provide a free night's lodging on a good bed for a man who had none of his own. It is however a very striking fact, that, while on the 1st of January, 1851, the county and borough jails of Ireland contained ten thousand prisoners, on the 1st of January, 1870, their population had fallen to

two thousand. This is attributed to the improved condition of the people and the increased demand for labor. My own belief is that the excellent industrial and reformatory schools of the country have had some share — perhaps not an inconsiderable share — in this happy diminution.

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#### CHAPTER XIV. — IRELAND (*concluded*). — REFORMATORY AND PREVENTIVE SYSTEM.

THIS suggestion leads, by a natural passage, to a consideration of child-saving work in Ireland. That country is now well supplied with both these classes of institutions, Protestant as well as Catholic. Of reformatories the number is ten, with an aggregate population of 1,077 (115 Protestant and 962 Catholic). Of industrial schools there are fifty-one, with a total of inmates amounting to 4,853, — 1,850 boys, and 3,003 girls. Of boys discharged from the reformatories seventy-seven per cent are known to be doing well; of the girls, seventy-five per cent. Of boys sent out from the industrial schools eighty-one per cent appear to be saved; of girls, ninety-one per cent.

The boarding-out plan has also made considerable progress in Ireland, where its results, as elsewhere, prove highly satisfactory.

On my two visits to Ireland, being chiefly occupied in studying the Crofton convict system, I was able to inspect only one reformatory, that of St. Kevin, — for the treatment of Catholic boys exclusively. It is the largest reformatory in Ireland, having an average of some three hundred inmates. It is distant ten miles from Dublin, and is situated at the head of the picturesque valley of Glencree, — “Valley of the Heart,” — a name most appropriate, as significant of the spirit of love and kindness in which such institutions should be conducted. Father Fox, born and reared in the Quaker faith, — and none the worse for that, whether Catholic priest or Protestant pastor, — is at the head of it. He impressed me as being eminently qualified for his post. At all events, he and his indefatigable corps of assistants have shown themselves greatly successful as regards the main purpose of their work. Ninety per cent are reformed, and on their liberation are readily absorbed into the industrious and honest yeomanry of the country. That tells the whole story most eloquently, and all further words may be spared.



CHAPTER XV.—ROYAL COMMISSION ON CONVICT PRISONS.—  
REFORMS RECOMMENDED.

LAST year (1878) a commission was appointed by the Queen to inquire into the working of the penal-servitude Acts ; that is, into the condition and management of the convict prisons of Great Britain. The commissioners have just presented their report, with the evidence taken by them, in three volumes octavo. They appear to have performed the duty assigned to them with diligence, fidelity, and thoroughness. The conclusions reached are embodied in eleven distinct recommendations as follows :—

1. That, in order to prevent contamination of the less-hardened convicts by old and habitual offenders, a separate class should be formed of convicts against whom no previous conviction of any kind is known to have been recorded.

2. That prisoners convicted of treason-felony should be separated from other convicts.

3. That the class of convicts known as weak-minded or imbecile should be separated from other prisoners, and placed in charge of officers specially chosen for their intelligence and command of temper.

4. That the provision of the penal-servitude Act, 1864, by which, in a case where any person is convicted of any offence punishable with penal servitude after having been previously convicted of felony, the least sentence of penal servitude that can be awarded is a period of seven years, should be repealed.

5. That the defect in the prevention of crimes Act, 1871, which renders it practically impossible in the metropolis to enforce the law which requires convicts on license and other persons under supervision to report themselves, be amended in the manner pointed out by the chief commissioner of police.

6. That in the metropolis special police officers be appointed for carrying on the supervision of convicts on license and other persons under supervision, and that they should act in conjunction with the royal society for the assistance of discharged prisoners.

7. That a superintending medical officer of high standing be appointed.

8. That arrangements should be made for the independent inspection of convict prisons by persons appointed by the Government, but unconnected with the convict-prison department, and unpaid.

9. That the prison at Spike Island be discontinued.

10. That the dietaries in use in the Scotch and Irish convict prisons be revised.

11. That two members of the Irish prison board should take an active part in the management of the Irish convict prisons.

These recommendations derive a special importance from the fact that the home secretary, Mr. Cross, proposes to carry them, or most of them, into effect in the administration of the prisons.

Moreover, they look mainly in the right direction, and, if practically applied, would constitute substantial reforms. For these reasons they merit and should receive consideration in this work.

The most important of these recommendations, and certainly the most unexpected to one of another nation who knows something of English sentiment in regard to outside interference with official action, is the eighth, which recommends "that arrangements be made for the independent inspection of convict prisons by persons appointed by the Government, but unconnected with the convict-prison department, and unpaid."

Such an idea, and especially such action, is extremely novel in England, but quite familiar to the experience of the United States, where the practice has been attended with the best effects. The Prison Association of New York has exercised such power in that State for thirty-five years. It is authorized by law, and it is made its duty "to visit, inspect, and examine all the prisons in the State, and annually report to the legislature their state and condition, and all such other things in regard to them as may enable the legislature to perfect their government and discipline." The Association is further authorized to inspect all the books of the prisons; to examine, under oath, officers, employes, contractors, and even outside citizens; and to question prisoners "separate and apart from their officers or any of them." The Association has no power of action, but simply of recommendation; and there has been no complaint of a "dual government,"—an apprehension of which appears to be in England the chief ground of opposition to the recommendation of the commission. In a letter to the author from the late John Stuart Mill on the work of the New York Association, there occurs the following sentence: "As far as I can judge from such attention as I have been able to give to the annual report of which you have favored me with a copy, the objects and principles of the Association are worthy of approbation; and all experience shows the value of such organizations in preventing or checking the growth of abuse in the management of prisons, reformatories, or workhouses."

This shows very clearly the opinion of Mr. Mill as to the utility of such non-official supervision as that proposed by the commission, and is confirmatory, so far as it goes, of the wisdom of their recommendation. But the evidence given before the commission places its necessity in a stronger light. It was wisely determined to receive the statements of convicts, and give to them such weight as they might seem to merit. One of these made complaint of the treatment he had received at Portland. It was proved that, although an invalid, he had, within the space of fifteen months, been subjected at different times to a bread-and-water diet of one hundred and thirty-four days, or nearly one-third of the whole time. The prison doctor admitted that it was

"a tremendous quantity of punishment." The same prisoner complained that he "had been burned eleven times with a red-hot instrument." The same doctor also confessed to having applied, "some six or seven times," to the man's body "a piece of metal heated in a spirit lamp." Two witnesses—one a chaplain, the other a governor—testified to the suppression, by the chief prison authorities, of complaints contained in the sub-reports submitted by chaplains and other officials. Other facts of kindred import appear in the evidence, all going to show the good policy of the commission's recommendation on this point.

It is essentially necessary that the interiors of prisons be subjected to a perpetual and vigilant observation. Official visitation and report are not enough. The former is apt to be too perfunctory; the latter, too one-sided. "The dark places of the earth are full of cruelty," says the prophet; and a prison is a very dark place, in the sense of being shielded from the public view. The vast majority of good men and women know nothing of their inner life; the nature of such institutions repels them. There is need that sharp, clear, practised eyes be directed to the details of their sad interiors, and that report to the Government be regularly made of what is seen therein; therefore the royal commission and the home secretary are to be commended for what they have done in this matter.

The seventh recommendation—which proposes the appointment of a medical officer of high standing, to be charged with a general supervision of the entire medical service of the convict prisons in England—is no less judicious. The functions of such officer would be to visit each prison at both stated and uncertain times; to ascertain the manner in which the medical duties in the several prisons are performed; to inspect the hospitals and convicts under punishment at each visit; to consult with the resident medical officers in cases of unusual difficulty; to give advice with reference to the removal of invalid, weak-minded, or insane convicts to a prison better suited to such cases; to investigate complaints of alleged medical neglect made by prisoners; and to give counsel as to the selection of persons to fill the office of assistant-surgeons. All this is sound advice; and there is the greater reason for giving effect to it, as the medical officers of the several convict prisons are themselves favorable to the creation of such an office. It is the system adopted in Sweden, where its operation is found to be excellent.

Among other recommendations made by the royal commission is that of the discontinuance of the prison at Spike Island, at which is served out the second stage,—that of progressive classification in the Irish convict system as inaugurated by Sir Walter Crofton more than a quarter of a century ago. In this stage is embodied the very essence and kernel of that system. Therefore a recom-



mentation to abolish the prison in which that stage is applied sounds like a sentence of condemnation against the system itself ; and by persons who do not look below the surface and the sound of things it may be so conceived of, so interpreted. But such a conception would be a grave error ; and certainly little more can be needed in refutation of such an interpretation than the fact that Sir Walter himself favors the recommendation. The ground on which the commissioners base their recommendation does not touch that question. This is what they say of it : —

“The very defective construction of the prison, and especially of the sleeping-cells, renders it impossible to enforce proper discipline, while the constant opportunities of seeing the outside world afforded the prisoners, both when at work and when going to and returning from Haulbowline, greatly impair the severity of the discipline. Indeed, Captain Barlow<sup>1</sup> goes so far as to say that penal servitude, as at Spike Island, has very little terror for criminals. The intermixture also of the convicts on the works with free laborers and with soldiers on the ramparts, though limited as much as possible, is most objectionable ; and generally the system appears to be more lax than in the English convict prisons. Sir Walter Crofton informed us that it was contemplated before he left Ireland that the convicts should be removed from Spike Island. He strongly condemns the establishment as unfitted for every branch of prison treatment, and is anxious that it should be abolished and broken up altogether without delay. No doubt some of the objections to it might be obviated by the construction of a new prison upon approved principles ; but it appears from Sir Walter Crofton’s evidence that the war office has been constantly writing to request that the prison be given up and the convicts taken away.”<sup>2</sup>

Unless, therefore, Sir Walter has turned against his own system, — nay, unless he had turned against it while still in charge of its administration, — the recommendation of the commission has nothing to do with its merits pro or con. Yet the excellent secretary of the Howard Association, Mr. Tallack, my honored and esteemed friend, in the annual report of 1879 for that Association, which is doing such effective work for prison reform, in commenting on this proposal of the commission, says among other things : “Unfortunately the Royal Commissioners have not recommended the fundamental reform of abolishing the associated system altogether. This may perhaps ultimately be obtained.” My friend is very persistent, and as sincere as he is persistent, in his opposition to any and all association of prisoners as necessarily and always corrupting. But because such association is corrupting

<sup>1</sup> The director of convict prisons for Ireland.

<sup>2</sup> It may not be generally known that Spike Island is a military post on which a considerable body of soldiers is stationed. This produces a double inconvenience, — on one side to the military, on the other to the prison, — and makes the discipline of both soldiers and prisoners more difficult.

under some circumstances, to draw from that fact the conclusion that it must be corrupting under all circumstances seems to me a little—or to speak more correctly *not* a little—illogical. As the French say, “That depends.” I insist that a competent prison-governor, with competent aids, can mould the public opinion of his prison to his will. I insist that, possessing this ability, he can so mould it that it shall be favorable to virtue rather than to vice. And I insist, as the necessary corollary, that there may be created in prisons a contagion of good as well as a contagion of evil. Now it would be more reasonable to contest this point if there had never been any experience to attest it. But Maconochie created and made effective such a public opinion even among the dregs of criminals on Norfolk Island, and through it wrought marvels—almost miracles—of reformation among them. Obermaier did the same in Bavaria, Montesinos in Spain, Despine in Savoy, Sollohub in Russia, Demetz in France, and Wichern in Germany. Brockway is doing it to-day at Elmira, in the United States; and so are hosts of superintendents or directors of juvenile prisons under the name of correctional or reformatory institutions all over the world. What has been done can be, and, when prison reform is sufficiently advanced, will be to an extent not dreamed of to-day. I am no enemy, but a staunch partisan, of cellular imprisonment in what I conceive to be its proper place and function, but I do not believe that its rôle and destiny is to usher in the millennium.

The Irish or Crofton system may undoubtedly be improved in the details of its application, and especially in the character and qualification of those who administer it. But I believe it to be thoroughly right in principle, since it is constructed on a distinct recognition of the moral nature of man, and adapts its agencies, imperfectly it may be, to that nature. But it is an immense advance in the right direction, because it recognizes in the prisoner a man and a brother though fallen and marred, and deals with him on a principle and in a way at once intelligent, humane, and just. It aims to surround him with motives as well as walls. Under it the prison is no longer a grave for the living, but is transformed instead to a moral sanitarium, in which human beings, dead to virtue, may begin a new life.

The fourth recommendation of the royal commission proposes the repeal of that provision of the penal-servitude Act of 1864, whereby, in case of the conviction of a person of a felonious offence after having been previously convicted of a felony, the least sentence to be awarded is for seven years. There can be no doubt of the wisdom of this advice on general grounds, and least of all after the statement of Mr. Justice Lush, who said in his evidence: “I am of opinion that the provision has worked very ill. Cases constantly occur in which a seven-years’ sentence would be

excessive ; and I have forborne, and I know my brethren have also forborne, to give penal servitude at all, and have restricted the punishment to two years' imprisonment [in a county or borough prison], which in practice generally is eighteen months." Mr. Lush further told the commissioners that his colleagues of the criminal-code commission authorized him to say in their name, that there was a general complaint among those engaged in the administration of criminal justice that the enactment injuriously "hampered the discretion of the judge." He further stated that it was the opinion of "every judge he knew, and of every body he had heard of," that "the seven years' minimum is too high, that it is very injurious, and that many sentences of imprisonment which are felt to be inadequate are passed, in order to avoid that which would be an excess."

The recommendation of the commissioners (first in order) in regard to the separation of prisoners convicted for the first time from habitual criminals is well enough, and might be attended with beneficial results, with the power, as suggested, reserved to the prison authorities to remove a prisoner from this whenever they deemed it expedient. Still, I would not place too much faith in arbitrary classification, whether based on crime, age, conviction, or any other specific datum. The most effective classification, to my apprehension, is of a moral kind ; a classification based on the progressive principle, and made to depend on the obviously honest efforts of the prisoner towards self-restraint, self-control, self-conquest, self-improvement,—in one word, a thorough and permanent change of purpose, habit, and life.

The sixth recommendation is excellent, and cannot too soon be carried into execution. It proposes the appointment of special police officers to be charged with the supervision of convicts on license and other persons subject to supervision, and that they should act in conjunction with the royal society for the assistance of discharged prisoners. It appears from a remark made by Sir Walter Crofton in a paper read before the late meeting of the social science congress at Manchester, that the Association named has always been in favor of a co-operation of what may be termed benevolent agency with the police ; and this, on the commissioners' recommendation, is now likely to be adopted by the Government. It is suggested that these officers be selected for their special fitness for this service ; that they wear no uniform ; and that they be not called upon to discharge any of the ordinary police duties. "In this manner," say the commissioners, "if the officers were judiciously selected we are satisfied that, while ill-disposed persons would be far more effectually watched, the better disposed would come to look upon the supervising officers rather as friends than as enemies, and complaints of undue interference would seldom occur. In short, these officers would, we



hope, act in the spirit of the late Mr. Organ, who for many years, as is well known, managed with such remarkable success the supervision of discharged convicts in the Dublin district."

The second and third recommendations are good, but do not call for special comment. The fifth, through the prompt action of the home secretary, who appears to enter with much zeal into the reforms suggested, has already been carried into effect by the passage of a short Act to that end. The tenth and eleventh are purely local, and therefore without general interest.

The commission make a conditional recommendation, not included in their final enumeration, of the establishment of the intermediate prison in England, in the following words:—

"It will be seen, on reference to the proceedings of the commission of 1863, that a recommendation, proposed by the late Earl of Mayo, that the Irish system of intermediate prisons should be tried in England was, after being carried in one meeting, subsequently struck out by a majority of one only. Both Sir Walter Crofton and Captain Barlow bear very decided testimony to the continued good results obtained from the establishment at Lusk. The favorable experience of this system extends now over many years; and it appears to us to be deserving of consideration whether, — if our recommendation to form a separate class of prisoners against whom no conviction is known to have been recorded before they receive a sentence of penal servitude is adopted, — there might not be advantages in creating an establishment on the intermediate principle, to which prisoners belonging to that class could be sent during the latter part of their term of punishment."

As the Earl of Carnarvon said on another recent occasion, "if that motion needed a seconder, I would claim to be that person," believing firmly, that, if the proposed class should be created and the proposed intermediate prison established for it, it would lead to the speedy application of the principle to the entire population of the convict prisons of England.

Two suggestions were made by witnesses, which, though not adopted by the commission, merit a brief approving mention.

The first was made by Sir Walter Crofton, touching the professional education of prison officers. In his paper at Manchester occurs the following paragraph:—

"I brought before the commissioners a matter upon which I have long thought, and to which I attribute considerable importance, — I mean the training of prison officers. This subject was discussed at the international prison congress in London in 1872, and received very considerable support. It was further discussed at the recent Stockholm Congress, having in the mean time acquired the light of experience obtained in Italy through the exertions of the inspector of prisons, M. Beltrani-Scalia. There was, I understand, a resolution in its favor unanimously passed at Stockholm; and I maintain that, taking into consideration how much the conduct of the

officers has to do with prison offences and the reformation of criminals, we are bound to give due and favorable consideration to the experience obtained not only in Italy, but in Belgium and Switzerland. By reference to my annual report for 1857, it will be seen that I not only advocated the special training of prison officers, but carried it out at Smithfield intermediate prison, Dublin, on a small scale with success."

It is a great pleasure to be able to cite so high an authority in favor of what I conceive to be one of the most urgent as well as vital of prison reforms.

Mr. Tallack, secretary of the Howard Association, in his evidence strongly recommended the admission into the prisons of judicious outside visitors to give unsectarian, religious, and moral addresses to the convicts, or to visit them in their cells with a view to afford beneficial instruction and counsel after the manner of John Howard, Mrs. Fry, Sarah Martin, and others in a former generation. Not only in England but on the Continent, with the exception of Holland, there is a strong feeling against the admission into prisons of non-official visitors. This is a sentiment which we in America can neither understand nor appreciate, where we see every day so much good accomplished through this agency. Let the reader recall what has been said of several of our State-prisons, and particularly that in Iowa, where one of the judges of the supreme court has been for years a teacher in the prison Sunday-school, and where the temporary withdrawal of the privilege of attendance upon the said school is felt by the convicts to be the severest of punishments. It is to be hoped that this prejudice will ere long give way, especially in England, where there are so many excellent ladies as well as gentlemen who would gladly respond to an invitation, or a permission even, to enter this field of Christian labor.

## PART SECOND.

## COLONIAL POSSESSIONS.

## CHAPTER XVI. — CANADA.

A PENITENTIARY (convict prison), two reformatories, and fifty-four county jails (thirty-three in the upper and twenty-one in the lower province) constitute the machinery for crime-prevention and crime-repression in Canada. The Auburn system of imprisonment is practised in the penitentiary, but the night cells are exceedingly small, containing only one hundred and twenty-four cubic feet each. The central administration is in the ministry of justice. Under the minister is an inspector, who visits the institution twice a year at least, and oftener when necessary. The higher officers are appointed by the minister, and the subordinates by the warden, subject to the minister's approval. All officers retain their positions so long as they show themselves capable and faithful. Political influence does not control appointments. The discipline is intended to be both deterrent and reformatory, and is believed to have a tendency more or less marked and effective in both directions. It is not sternly coercive, but, while strict, is kind and persuasive. The vast majority of prisoners serve out their time without receiving or deserving any punishment. By this humane treatment the prisoners are kept in comparative good humor, and perform their tasks with cheerfulness and alacrity. The dark cell, low diet, and withdrawal of privileges are the chief punishments, corporal inflictions being rarely used. A good prison school is maintained, by which the illiterate are taught to read, write, and cipher, which is found to be a further encouragement to obedience and industry. Both Protestant and Catholic chaplains, sincere and earnest men, are employed, who instruct the prisoners in spiritual matters quite as effectively as any clergyman does his congregation outside. The convicts are allowed lights in their cells, and a well-selected library is provided for their use. They are permitted to write weekly to their friends, and five days' remission of sentence is each month accorded to those who are industrious and well-behaved. They are suitably fed and clothed, and kept in all respects clean and comfortable. On liberation they are furnished with a new suit of clothes and a sum of



money varying from ten to twenty-five dollars, which is sufficient to support a man in Canada till he finds work, if he desires it. The moral effect of correspondence with parents and other near relatives is, in general, found to be excellent. This privilege, with those of the cell-light and use of library, is highly prized; and when any, and especially all of them, are withheld for a time the privation is keenly felt. It is a punishment more severe, and more effective, than would be the lash. The proportion of women to men scarcely exceeds three per cent. In the jails it is larger, because the prostitute class is included in their populations.

The distinction of penal and industrial labor is unknown in Canada. The labor is all productive, and consists in farm work, quarrying, stone-cutting, carpentry, smithery, shoemaking, tailoring, etc. The contract system is not in use. The sanitary condition is reported as all that could be desired. Sentences range from two years to life; but these last are generally commuted sentences in murder cases. Repeated short sentences are found to increase crime. After two or three imprisonments of this sort, criminals become to a great extent professional. The deterrent effect of long sentences is thought to be greater than that of short ones; and for reformation they are indispensable. Life-sentences do not commonly end by death in the prison. After an imprisonment of some length, if the conduct of the prisoner has been good, a free pardon is granted. The death-penalty exists, but is enforced only in clear cases of murder. Opinion varies as to its effect on crime. There is a strong party opposed to it. Imprisonment for debt went with the pillory and flogging at the tail of a cart.

Criminals in Canadian penitentiaries are surrounded with good influences, which certainly in many cases have more or less of a reformatory effect. There are men who form good resolutions in prison, and are better in some respects when they leave than when they entered it. But too many return to their old haunts and their old associations, and soon fall into evil ways again. Liberated prisoners, in a large and thinly populated country like Canada, where labor is in demand and food cheap, have a much better opportunity to earn an honest living than in the more populous countries of Europe; and hence aid societies are less needed here than there. Moreover it is every way best that criminals should, as soon as possible, put in practice outside the industry to which they had been accustomed in prison.

Not much can be said in favor of the county jails. They are used for the confinement of all classes of offenders, tried and untried, from capital to police cases. Even the insane are frequently confined in them. There is no general system of prison management or discipline, and no provision for schooling or religious services. Nor does the "voluntary system" supply this

want except in a very few instances. "It is a subject of most painful observation," says one of the inspector's reports, "that so few of the clergy devote any attention to the common jails."

The two reformatories are juvenile prisons. Their government is similar to that of the penitentiary. Youths, convicted of offences for which they would otherwise be sent to the penitentiary for not more than five years, or to a common jail for not less than fourteen days, may be sent to these reformatories instead, if their age does not in the one case exceed twenty-one, in the other, sixteen years.

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## CHAPTER XVII. — ONTARIO.

A WINDFALL came to the province of Ontario recently, which has inured to the benefit of its penal administration. There fell to the crown, in default of legal heirs, the entire estate of one Andrew Mercer, a wealthy citizen, out of which the sum of \$90,000 was appropriated to found an industrial prison for women. This prison, when finished, will form the last link in the chain of the prison system of the province. There will then be provided the following classes of prisons: the common jails, for misdemeanants sentenced for short periods, and for persons awaiting trial; the central prison for prisoners selected from the county jails convicted of the more serious offences, as well as for those sentenced direct thereto by the provincial courts; the adult prison for females, now being erected out of the estate of Mr. Mercer; and two reformatories, — one for girls under sixteen, the other for young lads at Penetanguishene.

The inspector reports a decrease in the aggregate number of commitments to the county jails for 1878, as compared with that of former years; but the decrease is altogether of males, while there has been a slight increase of women.

The inspector also reports a continued improvement in the condition and management of the common jails. Every jail in the province has been either rebuilt or altered to conform to the requirements of the prison-inspection Act. The discipline has greatly improved, and the vigilance of the officials has undergone a marked change for the better. This is so far satisfactory; but there remains the very unsatisfactory fact, that, with the divided authority existing between the Government and the county councils, it is not possible to have the desired uniformity in the discipline, nor to introduce other reforms deemed essential to the highest efficiency of these local establishments. For the above

reasons the hope is expressed that the legislature will see its way clear to follow the example of England, and assume the entire management and control of the common jails of the province.

The reformatory institutions seem to be doing their work well and efficiently.

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## CHAPTER XVIII. — NEWFOUNDLAND.

IN giving an account of the prison system and administration of this colony, I cannot better accomplish my object than by citing, with slight modifications, chiefly by way of condensation, a communication addressed to me, under instruction of the colonial government, by the Hon. H. W. Hughes, chief-justice of the supreme court of the colony. He says in substance :—

“You will notice that a few of the questions remain, in whole or in part, unanswered ; but you will also readily perceive that this arises from the absence among us of those elaborate and extensive institutions which are unnecessary in a population so small and so comparatively free from serious crime as is ours, and to which alone these queries could apply.

“Our establishments for the reception and treatment of criminals consist of, first, a penitentiary, situate in the neighborhood of St. John’s, and, secondly, a number of small prisons attached to the court-houses in the several outpost settlements visited by the judges of the supreme court on their circuits.

“The latter contain cells for from three to ten prisoners, and have small yards for affording air and exercise to the prisoners ; but they are principally intended for the detention of offenders awaiting trial by the circuit judge, or for transmission under his sentence to St. John’s, and the punishment of prisoners committed by justices of the peace for small offences punishable by a few weeks’ or months’ imprisonment. Neither has space enough for any industrial employment of the inmates other than cutting wood for the prison fires, or removing snow from the jails. Many of them continue without occupants for very long intervals and even in the larger and more populous settlements ; the average number of committals is very small, and of these the greater part are for a few days only.

“The penitentiary is a granite building, three stories high, eighty-one feet long, and forty-seven wide. It is situated in a healthy locality, about a quarter of a mile from the town of St. John’s, on a large plot of ground surrounded by a high and substantial fence, within which are yards for exercise and gardens which afford employment to the prisoners in summer and produce vegetables for the use of the establishment.

“The cells contain each eighty-four cubic feet of space ; they have no furniture, are lighted by high grated windows, and have a grating in the door for observation from the outside ; the sleeping berths are solid inclined planes of wood resting on the floor, and on these a mattress and bed clothing are placed at night.



"The building is well ventilated by shafts, is heated by hot air, and has an abundant supply of good water from a well in the basement story. The drainage is efficient.

"The yearly committals are on an average of one hundred and forty males and ten females. The number of prisoners varies with the season of the year, there being naturally a larger number of offenders in the idle intervals between the fisheries than at those times when the people are generally busy. By far the larger proportion of the committals are for assaults, petty larcenies, and desertion from merchant-ships, — cases adjudicated on by the police magistrates of St. John's. The penitentiary receives all sentenced in St. John's, and also those who are sent thither by the circuit judge from outposts. Occasionally there is a commitment for homicide occurring in the heat of blood, and at rare intervals one for wilful murder. The last execution was in 1872, and there had been none for forty years previously. Of highway robbery I remember only one case. Neither burglary, nor forgery, nor rape, nor grand larcenies are frequent.

"The punishments are, — for murder, hanging ; for all other offences, imprisonment with hard labor ; and where an offence has been accompanied by severe personal violence, or the convict is an old offender, whipping, applied to males only, any number of lashes not over twenty being given, but not more than three times.

"The hard labor for males is shot-drill, work at the force-pump, shoe-making, mat-making, carpentry, and labor in the gardens or about the grounds ; and for females, washing, making and mending prison clothes, knitting, and sewing. The prisoners are wholly supplied with shoes by their own labor, materials being of course found them ; but their labor in other respects bears in its results no important proportion to the expenditure.

"The prisoners are not allowed to associate except when at work under the eye of an officer, or during meals ; at other times they are confined to their cells.

"The classification of the prisoners is, first, between the sexes ; secondly, between those for trial and those convicted ; thirdly, between felons and misdemeanants ; and, fourthly, between old offenders and those received for the first time.

"Re-committals are not numerous, and are found only among St. John's roughs. Their number is too small to require as yet any special legislation such as would provide, for instance, for permanent imprisonment until a moral change had been wrought in their characters ; and the same cause renders the establishment of a reformatory for juvenile criminals unnecessary.

"Generally speaking, the term of imprisonment imposed upon convicts is under two years, and any remission of this sentence seldom occurs, and only upon special grounds arising after judgment.

"There is no prison school for general instruction, but clergymen of the several denominations and Sisters of Mercy visit and give religious instruction to the members of their respective communions.

"The penitentiary is by law under the management and control of the Board of Works, some of the members of which visit it at irregular intervals ; and the judges of the supreme court and the police magistrates also visit and inspect it as they see occasion.

"A weekly report is made to the judges of the supreme court by both the keeper and the jail surgeon.

"The average number of prisoners who can read and write is about fifty per cent of the committals.

"The reports of the surgeon and governor show that the health of the prisoners is generally good, and their conduct in prison is satisfactory. Witnesses are never committed to prison; they are bound by their own recognizance to appear and give evidence."

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CHAPTER XIX.—NOVA SCOTIA.—NEW BRUNSWICK.—PRINCE EDWARD'S ISLAND.—VANCOUVER ISLAND.—BRITISH COLUMBIA.—FALKLAND ISLANDS.—BERMUDA.

AS president of the International Penitentiary Commission, I received official reports only from Canada, Toronto, and Newfoundland. For the other colonies in the North American department my authority is the "Digest and Summary of Information respecting Prisons in the Colonies,"—a "Blue Book" issued by the British Government in 1867. The information may be, to a certain extent, obsolete; but it is likely still to be, in the main, correct.

NOVA SCOTIA.—Besides the county jails in this country there are three principal prisons,—the penitentiary, the Halifax county jail, and the Halifax city prison. A great deficiency of practical experience and systematic supervision exists in all that affects the discipline and general management of the prisons. In the common jails there is no labor, no dietetic scale, no limitation of sleep, and no discipline, properly so called. The petty criminals live, in some cases, rather as members of the jailer's family than as prisoners. In neither of the three principal prisons, which receive criminals who have committed crimes of a graver character, is there any discipline of a nature to counterbalance the want of both in the county jails.

NEW BRUNSWICK has one penitentiary and fourteen county jails. The penitentiary is modelled after the Massachusetts State-prison, and is on the whole well managed. There is no penal labor in the technical sense, only industrial. The county prisons are under no general law, and are managed on no uniform system. They are, for the most part, badly constructed as regards both health and security. Overcrowding is not uncommon. Female prisoners are not always looked after by female warders. Only two out of the fourteen have any set of rules or regulations, and these are

very meagre ; in only one are religious services held. Instruction, gradations, rewards, separation, enforced silence, — of these there is none. In two only is there any labor, and that is "work done for the jailer." One jail has an exercise yard, twenty-one feet square ; the others, none. But whatever else is stinted, the privilege of sleep is unlimited. Few have any diet scale. In one it is said to be too high ; in four it is confined to bread and water ; in one alone is any account kept. Security against abuses is practically *nil*. There is no general inspection, and in several cases no visits even of magistrates or grand juries. The records are generally of the most unsatisfactory character, often consisting of "a few dirty and ill-kept sheets of paper." The only return made to superior authorities is an annual statement of the number of prisoners in each jail during the year ; it is doubtful whether even this is always furnished. The sheriff of Sunbury County answered that a debtor had been confined in its jail during the whole of the last preceding five years. Debtors had also been confined in Northumberland for three years, and in King's County for a year and eight months, within five years.

PRINCE EDWARD'S ISLAND has three county jails, managed by commissioners selected from each county by the lieutenant-governor. Jailers are appointed by him, and the medical officers by the commissioners. Queen's County jail serves to some extent as a central prison, to which may be transferred from the other two jails prisoners sentenced to hard labor. In point of fact such transfers are seldom made, each of the three prisons being used for all classes of prisoners, and even for the insane. The government by a board of commissioners has not had the effect to introduce uniformity of system, diet, or treatment. Queen's County prison provides no labor but stone-breaking ; the others, none at all. Neither separation nor reformation is attempted. The commissioners appear not to visit oftener than once in three months, or when requested by the jailer. The supreme court can pass sentences of public flogging. The power has been seldom exercised ; but when exercised, so it is reported, "with good effect in every case !" Good for the moment, perhaps, and in some relations ; but surely not good in the long run, and in all its aspects. If always "with good effect," the question arises, why so "seldom exercised" ? A punishment found to be "good" always and to all purposes ought not to be "seldom" used.

VANCOUVER ISLAND has but one prison, which previously ill-managed has of late been much improved, though it is said that there is still room for improvement. This may be well believed after reading the following statement : "It is insecure, and sometimes overcrowded ; it does not provide for separation. The diet



and hours of sleep are excessive ; and there are no securities in the nature of regular inspection or periodical reports."

BRITISH COLUMBIA has one prison, besides small district lock-ups. Of these latter no account is given. The prison appears to be on the whole well managed. Its mild system of treatment, without separation or flogging, is reported as quite effective in the present circumstances of the colony. Indians constitute the majority of the prisoners. Tickets-of-leave are granted on condition of leaving the colony, and the statement is added, "with good effect." Of course the effect must be "good" as regards the colony ; but what of the people to whom the ticket-of-leave men go ? Is it likely to prove an unmixed "good" there ? One sentence of whipping, not disciplinary but penal, has been pronounced ; but it was not carried into effect. Imprisonment for debt has been abolished.

FALKLAND ISLANDS, also, have but one prison. It is defective in all respects, — sanitary, disciplinary, and penal, — besides being overcrowded. Two foreigners who had floated to the islands, and there been convicted of larceny and sentenced to the jail, declared it as their opinion (and they would seem to have been experts) that it was "the worst prison they had ever been in."

BERMUDA has two prisons, — St. George's and Hamilton jails. The former is a new structure, with many "modern improvements," especially in a sanitary point of view. The latter is old, ill-constructed, ill-arranged, and every way ill-adapted to its uses. Rules are made for these prisons by the magistrates in quarter-sessions, subject to the approval of the judges. It is evident, from many statements in the "Digest," that Bermuda is not open to the imputation of indifference in prison matters, nor of "culpable adherence to obsolete rules," although there remains undoubtedly much yet to be done. At present the prisoners are imperfectly separated ; there is no reformatory system ; the hard labor in use is insufficient ; and a regular inspection by persons possessing special knowledge of prisons is wanting. Penal labor by the treadmill came to an end by statutory limitation in 1862.

After having written the above, gleaned from the "Digest," I found that I had a report from the Government which had been overlooked, the substance of which is as follows : —

The prisons are entirely upon the cellular system. The Hamilton jail has twelve cells, — two dark ones partially under ground, and three debtor's rooms. The St. George's jail has twenty cells and one debtor's room. There is no classification. Both prisons are in charge of the provost-marshal-general of the colony. Visiting justices, who are appointed by a bench of magistrates

in quarter sessions, inspect the prisons as occasion requires. One jail has a jailer and matron, with a superintendent of prisoners sentenced to hard labor. The other jail has a jailer and a matron only. All are appointed by the provost-marshal. Each prison has a chaplain and a surgeon appointed by the governor.

The chaplain performs divine service on every Sunday, and occasionally visits prisoners during the week. There is no prison school, and no means of education provided. Communications with friends are permitted once a month. There are no libraries. Prisoners are allowed books from their friends if they wish it. The proportion of females to that of males is about ten per cent. There are only two kinds of labor, — that of the crank-machine, and that of breaking stone for the purpose of macadamizing the roads and streets of the towns.

Prisoners are always kept in a state of cleanliness. Ventilation is bad. Lights are not allowed, and there is no necessity in a hot climate for fires. The death-rate has been small, only nineteen deaths having occurred in thirty years.

Sentences vary from ten days to two and a half years. Repeated short sentences are common, but are found to be of no use; they only harden the more. Punishment by death is only for murder. Public opinion is believed to be adverse to it. Imprisonment for debt still exists, but there is a law for its abolition which will come into operation in 1879. Public opinion is opposed to such imprisonment.

The discipline is intended to be reformatory, but as a matter of fact there is very little if any improvement, owing among other causes to the imperfect and insufficient number of cells. The authorities are often forced to confine three prisoners in one cell (cubic feet being insufficient for one), thus affording opportunity to concoct further mischief.

No aid societies exist to meet the wants of liberated prisoners, and very little opportunity is afforded of judging or reporting upon their after behavior. Thefts are the most common crimes, and poverty and drunkenness are the chief causes. There are neither reformatory nor preventive agencies of any sort in the colony. The system is reported as altogether so imperfect that a complete revision and fundamental change are needed.

## CHAPTER XX. — JAMAICA.

THERE are four classes of prisons in Jamaica: 1. The general penitentiary. 2. County jails. 3. District prisons. 4. Short-term prisons. The associated system is in use in the penitentiary, but with separate sleeping-cells.

The governor of the colony constitutes the central authority in control of the prison administration. The managing power is lodged with an inspector of prisons subject to him. All the prisons are inspected at least three times a year, and the general penitentiary weekly or oftener. The officers are appointed by the governor on a good-behavior tenure. Political influence has nothing to do with appointments. There is no training-school for prison officials; but it is considered advisable when possible that an officer put in charge of a district or short-term prison should have spent some time in the general penitentiary.

The general penitentiary is intended for prisoners sentenced for terms varying from a year to life. Average daily number, six hundred and twelve. The discipline is meant to be both deterrent and reformatory, — deterrent by means of treadmill, shot-drill, and crank; reformatory through industrial labor and other agencies to be hereafter noted. The very intelligent inspector, Mr. H. B. Shaw, does not regard the penal labor so called as in any marked degree deterrent in practice, and expresses a strong preference for industrial employments. The prisoners in the general penitentiary, after being a certain time on the treadmill, shot-drill, and crank, are taught trades of every description, by which when released they can earn an honest living. A prisoner on his first conviction, if his conduct has been good during the first half of his sentence, is promoted to the licensed class, on which he obtains a remission of one-fourth of the remaining portion of the sentence. This gives him hope and keeps him steady. If he misconducts himself he loses this advantage, and is remitted to his former class. It is rare that a prisoner has to be turned back; sometimes two years have passed without an instance of it.

The punishments employed are chiefly degradation, withdrawal of privilege, and confinement in a solitary cell on bread and water. Flogging with the cat is allowed, but not without the approval of the governor of the colony, to whom a copy of the evidence must be sent. This is never applied to the female prisoners.

Volunteer clergymen conduct the religious services on Sundays and visit the hospital once a week. They also visit the dying when sent for. There is a prison school and a library, which latter is much prized by prisoners who know how to read.

In addition to the penal labor the prisoners in the general peni-



tentiary are taught to be blacksmiths, carpenters, masons, coopers, tailors, shoe-makers, brick-layers, tinsmiths, brush-makers, lime-burners, quarriers, and stone-cutters. In the district and short-term prisons they work on roads, break stones, and make coir from cocoanut husks. The labor is directed by the prison authorities without the intervention of contractors; the proceeds do not meet the cost. The general penitentiary earns seven thousand pounds per annum and costs over twice that sum. The other prisons earn in a far less proportion.

The proportion of women-prisoners to men is about as one to ten, or ten in the hundred.

The second class of prisons are the county jails, of which there are two. They are used for the safe-keeping of fraudulent debtors, misdemeanants, and untried prisoners who cannot find bail. There is no labor done in them. Of the district prisons there are five, to which are sent prisoners sentenced from one day to twelve months. The separation of the sexes as in the general penitentiary is complete in them all. The nearest clergyman acts as chaplain. To the short-term prisons, of which there are also five, are sent persons convicted of some trifling offence, for a period not exceeding sixty days.

The sanitary condition of the prisons is good; the utmost pains is taken to keep the buildings and the persons of the prisoners scrupulously clean. The average death-rate does not much if at all exceed two per cent.

Terms of sentence range from a day to twenty years. Life sentences are not given *pro forma*; they are in all cases sentences commuted for homicide or felonious riot. Executive clemency often intervenes to terminate this class of sentences, but not according to any fixed rule. Repeated short sentences for minor offences, of which many are given, have no effect whatever (so reports Inspector Shaw) to diminish crime; on the contrary they increase it. The death-penalty exists for murder only. So far public opinion supports it. Imprisonment for debt has been done away, and no fault found.

Reformatory results are not conspicuous. The inspector reports that he cannot see that the prisoners are either better or worse for their imprisonment. The recidivists in custody last year were, on second conviction, thirteen per cent of the whole number imprisoned; on third conviction, four per cent; on fourth conviction and over, three per cent.

No aid societies exist. Witnesses are not imprisoned to secure their testimony in criminal cases, but are simply bound over on their own recognizance.

The decrease in female crime since 1864 has exceeded seventy per cent, and this diminution is not more remarkable than its cause. It does not appear to be at all owing to any moral im-

provement in the sex, but wholly to the fact that in 1864 an order was issued that the hair of women-prisoners should be cut close. There is nothing a negress prizes so much as her hair ; and the decrease of feminine criminality commenced immediately on the issuance of this order. At present it is not an uncommon practice for them, on their apprehension and before trial, to have their hair cut off and put by till they come out of prison, when they fasten it on again. This is certainly a novel "preventive measure," but it seems highly efficacious. Regret is expressed by Mr. Shaw that nothing so effectual has been discovered or invented as a "preventive" of masculine crime.

There is one reformatory on the island for boys and girls, to which two classes of persons are committed : 1. Destitute and neglected children under fourteen. 2. Children under sixteen, convicted of an offence by any court of law, who are committed to the reformatory instead of to a prison. The institution may be said to be both preventive and reformatory,—preventive, in that it places the helpless and abandoned child out of temptation ; reformatory, in that criminal children are sent to it to be trained to a better mode of life.

The establishment has been in operation for too short a time to show positive results, but it promises well. It is in charge of a board of eight visitors, four of whom are official and four non-official members. It is visited once in each month by two members of the board in rotation, who inspect the institution and record their observations. These are communicated to the governor of the colony, and are acted on by him if necessary. They are also considered at the general meetings of the board, which take place once every four months. The average number of inmates is two hundred and sixty, of whom two hundred and thirteen are boys and forty-seven girls.

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#### CHAPTER XXI. — BAHAMAS.

THERE is one principal prison at Nassau, and four smaller ones in other parts of the colony. The manuscript report of the provost-marshal, the sole authority on which I draw for the following statements, deals only with the first of these establishments. The system is that of associated silent labor by day and separation at night. The prison building is a new one, completed in 1868 at a cost of twenty-five thousand pounds. It has ninety-eight cells, containing each eight hundred cubic feet of space. The average number of inmates is about eighty.

The head of the penitentiary administration is the governor of

the colony, and under him is the provost-marshal, who is in immediate control. A visiting committee, consisting of the police magistrate and two justices appointed annually by the governor, visits the prison weekly to inspect the cells and see "whether the prisoners have any complaints to make." The governor of the colony, who takes much interest in the prison, also visits it frequently. In addition, the chief-justice, the attorney-general, the speaker of the assembly, all justices of the peace, and the clergy of all religious denominations are made visitors by the rules of the prison, and have free access thereto.

Political influence has nothing to do with the appointment of officers. Candidates are required to undergo a period of probation to test their fitness, but, when appointed, their tenure of office is permanent; they are removable only for cause. There is no school for their professional education, nor is the compensation paid to prison officials such as would be likely to secure the services of specially trained men, even if they could be had.

The intention is to make the discipline both deterrent and reformatory. With a view to the first of these results, shot-drill was introduced in 1872. My correspondent claims that the effect has been sensibly to diminish the number of reconvictions; but he candidly points out several other causes operating in the same direction, and quite sufficient, in all probability, to produce the result claimed, particularly the extraordinary demand for labor in Florida, which has drawn thither numbers of the ex-convicts.

A system of good-conduct marks is in force, by the accumulation of which prisoners are enabled to earn a considerable reduction of their terms of sentence.

The prison has a salaried chaplain, of the Anglican Church, who stately holds religious services for the inmates Sunday morning and Wednesday afternoon. Similar services are occasionally held on Sunday afternoons by ministers of other denominations. Whenever prisoners belonging to the congregation of such minister are committed to the prison, he is apprised of the fact by a letter from the keeper. Two volunteer lady workers—Miss Fletcher and Miss Sturt—have a class for instruction, on two week days and on Sunday, in the female department. The prisoners show an interest in all these services. A prison night-school is maintained for illiterate adult prisoners, which is taught by two or three of the educated prisoners. The juvenile male prisoners have also been formed into a Sunday and week-night class, which in like manner is conducted by a prisoner. The remains of a small library still exist, and those who can read are furnished with Bibles, religious books, and tracts.

The proportion of women to men in the prison at Nassau is as one to six, or about seventeen per cent.

The labor is wholly devoted to public works of various descrip-



tions. It brings in no revenue, but saves the Government something like \$1,000 a year.

The sanitary state of the prison is reported as all that can be desired, including excellent ventilation, drainage, water-closet arrangements, cleanliness of the person and building, bathing accommodations, etc. The daily percentage of the sick and the annual death-rate are each reported at about two per cent.

As regards sentences, the law allows the chief-justice to pronounce a sentence of imprisonment for life ; but this power is not used, nor has it been during the incumbency of the present provost-marshal, — a period of fifteen years. According to a tabular statement, open before me, of an aggregate of condemnations during five years, only eleven were for five years and more ; seventy were for periods ranging from one year to five ; two hundred and twenty-five were for terms running from three months to a year ; while fifteen hundred and eighty-three were for periods of less than three months. The report speaks of one prisoner, a female only thirty-two years old, who had been sentenced to imprisonment no less than sixty-five times ; and of sundry others who had severally undergone thirty, forty, and fifty imprisonments. It pronounces short imprisonments “useless, and worse than useless.” When will legislators, magistrates, and peoples learn wisdom on this subject ?

The death-penalty is maintained, but only for murder. So far public opinion is strongly in its favor. Imprisonment for debt has been abolished by law, but it still lingers in exceptional cases.

The “Digest of Information” relating to colonial jails states that “floggings may be, and are (though seldom), inflicted by sentence of the courts of the Bahamas for a great variety of offences committed outside of the jail, — from rape or burglary to throwing down a fence or wall (second conviction), sending threatening letters, ‘demanding by writing when not entitled,’ stealing dog, beast, or bird, stealing from employers, etc.; and in most cases as many as three public whippings may be inflicted.”

“Reformatory results” appear rather slender. From 1871 to 1875 inclusive (a period of five years) the recidivists were in the ratio, on the average, of sixty-five per cent, though during that time it fell from eighty-one to fifty-one per cent.

No provision is made either by the Government or by private benevolence for the relief and protection of prisoners after their discharge. The absence of such provision is made a matter of strong lamentation.

No institution exists in the colony for the reformation of juvenile offenders.

## CHAPTER XXII. — TRINIDAD.

THE island of Trinidad lies  $10^{\circ} 3'$  to the north of the equator, and immediately opposite to the north-eastern coast of Venezuela. No clothing therefore is needed, except for decency or vanity; and such is the profuseness of Nature, that the labor of two days in the week will procure a man for the other five all the necessaries of life, with the added luxuries of rum and tobacco. The consequence is that out of a population of one hundred thousand souls eight thousand are returned as without occupation or visible means of support. The population of the island is extremely mixed, almost every nation of the world being represented in it. Trinidad being at the end of a long chain of islands, within easy reach of each other, has caused it to become a resort for all the refugees from these latter, as well as from the neighboring continent. The close proximity of the gold mines of Venezuelan Guyana has also been the cause of the continual flow of a tide of adventurers, who resort thither to seek their fortune. All this has necessarily been very demoralizing, and must have had an influence more or less marked on the development and growth of crime.

There are but three prisons on the island; namely, the royal jail of Port Spain, and two convict dépôts, — one at Chaguanas, situated in the centre of a forest belonging to the crown, some twenty miles distant from Port Spain; the other on Careras Island in the gulf of Paria, six miles from the same city, and half a mile from the nearest mainland. The system of imprisonment in the royal jail is that of association by day and separation by night, and the same at the convict dépôt of Chaguanas; but at Careras Island the prisoners sleep in associated wards, which however are kept lighted up through the night, and are under the constant watch of night guards. However, the foundations of a stone prison, to contain fifty separate cells, have been laid, and the structure is expected to be very soon completed. A rough system of progressive classification has been introduced. There is a penal stage and an advanced stage, in the latter of which a mark system has been established. Prisoners sentenced for three months or less serve the entire term in the penal stage; those committed for more than three months and less than a year remain for three months in that stage; and those committed for a year and upwards, six months. Here they have three hours a day at shot-drill, half in the morning and half in the evening, and in the intervals are employed in stone-breaking, coir-beating, and other hard and uninteresting labor. After entering on the advanced stage, the prisoner can earn daily, for special industry

and good conduct, eight marks ; for ordinary industry and good conduct, seven marks ; for indifferent industry and good conduct, six marks. The number of days he is sentenced to serve in prison, multiplied by six, gives the number of marks he has to earn. Thus, a sentence of two years = 730 days  $\times$  6 gives 4,380. A prisoner who earns only six marks a day must serve out the whole time of his sentence ; he who earns an average of eight marks daily gets a remission of one fourth part of his sentence ; and any number of marks earned between the averages of six and eight marks per day is rewarded with a proportional remission.

Trinidad being a crown colony, the prisons are under the immediate control of the executive government. There is an inspector of prisons, who makes a yearly report to the governor of the colony, and is looked on as the head of the department. The incumbent for the last dozen years has been Mr. Lionel M. Fraser, who is too modest to report an "efficient inspection;" but he is evidently a most intelligent, capable, and faithful officer, and the reader may draw his own conclusion as to both the competency and the efficiency of his inspection.

The inferior officers are appointed by the governor of the colony on the nomination of the superintendent of prisons, and they hold office during good behavior. Appointment is in no degree controlled by political considerations. No special schools exist for the training of prison officers ; nor, it is claimed, would such be possible in a colony like that of Trinidad.

The purpose is to make the discipline reformatory as well as deterrent. The agencies to this latter end are the penal discipline already described, seclusion as far as possible, deprivation of tobacco and ardent spirits, and compulsory abstinence from indulgence in the grosser animal passions. The reformatory agencies are reported as few and incomplete, and the reformatory results as far from satisfactory, the proportion of recidivists to the whole prison population being on the average nearly fifty per cent. More attention, until recently, has been given to the punishment of prisoners than to their reformation ; but in this respect, and under the present administration, matters are rapidly improving. Volunteer visitors are not admitted, nor does Mr. Fraser feel prepared to favor that idea ; wherein I venture with respect to differ from his opinion, provided discreet and earnest laborers are at hand ready and anxious to do the work.

Not more than one-fifth of the prisoners can be considered as having any education on entering the prison, and even of them by far the greater number can barely read and write. Still the proportion that have this low degree of instruction is about equal to that of the lower orders outside. There is school twice a week, from five to six P.M., which the long-term prisoners and juveniles



are required to attend. There is also a library of instructive works for the use of the prisoners.

The number of male prisoners is about eight times that of the female. Average number of men in 1876, 380 ; of women, 45.

The industrial labor consists of quarrying, felling and hauling timber from the government forests, squaring the same, shoe-making and tailoring, washing and baking for the government establishments. The labor of the prisoners is entirely managed by the administration. It would be impossible to maintain any discipline if the convicts were allowed to labor for contractors, particularly on work outside of the prison walls.

Great attention has for many years been paid to the maintenance of a high standard in respect to cleanliness of buildings and prisoners, and to sanitary matters generally. The prisons of the colony, especially that at Port Spain, will in this respect compare favorably with other like establishments in other parts of the world. The death-rate per annum is but a little in excess of two per cent.

Sentences vary from twenty-four hours to fifteen years. Sentences for life are always commutations for the death-penalty. Provision is made by law for increasing the punishment of certain offences on second or any subsequent conviction ; but the practice exists of giving repeated short sentences for minor offences. This Mr. Fraser regards as tending to the increase of such offences rather than to their repression.

The death-penalty exists, but only in the case of murder. Mr. Fraser expresses the opinion strongly that capital punishment is of little or no avail as a deterrent ; and this he does after twelve years' observation of its effect. Public opinion is not active on this question, but he can vouch for it that persons who like himself have an official connection with the question concur in his view of the matter.

Imprisonment for debt was abolished by ordinance in 1871, but has been to a certain extent re-enacted since, in deference to a strong public opinion in its favor on the part of the mercantile community.

There is no organization for the protection and encouragement of prisoners after their release. Whatever is done for this object is done by individual benevolence. The general public does not appear to take the slightest interest in the matter.

Witnesses unable to furnish security for their appearance in court to give testimony in a criminal case are detained in prison for that purpose.

The prevailing character of crime in this colony is vagrancy and its attendant evils. That is to say, idleness and improvidence are at the root of the greater part of the criminality with which the courts and the prisons have to deal.

There is as yet no government reformatory. Two private industrial schools have lately been established, one in connection with the English Church, and the other conducted by Sisters of the Dominican Order. Together they have forty-three inmates. They are of too recent origin to have yielded positive results of a general character, but the best hopes are entertained.

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#### CHAPTER XXIII. — ST. VINCENT.

THERE is but one prison in the colony of St. Vincent, and the information received concerning it from the provost-marshal is extremely meagre. The system is that of association without separation even at night. The supreme authority is the governor in council. Under him the managing power is the provost-marshal, who inspects the jail weekly. The officers are appointed by the governor, and hold office during good conduct; politics has nothing to do with their appointment. A school-master, appointed by the Government, gives daily lessons to the prisoners. Not one in fifty can read on his entrance. There is a chaplain who holds divine service every Sunday morning. No volunteer visitors are admitted. The proportion of women to men in the prison is as one to seven. The labor (kinds not stated) is managed by the administration. The range of sentences less than life is from seven days to ten years. The average duration of sentences may be stated at one year and ten months. The death-penalty exists for murder, and to that extent has the support of public opinion. Imprisonment for debt is still retained. Reformation of the criminal is not aimed at, and of course not attained. No marked change is noticeable in the prisoners on leaving prison. There is no reformatory institution, and no prisoners' aid society in the colony.

The "Digest of Information on Colonial Prisons" says: "The provost-marshal's powers of punishment are too large. He can give a month's solitary confinement for prison offences without making any report. Crime is on the increase in St. Vincent. A debtor has been confined in jail for fifteen months and nineteen days. Flogging is occasionally inflicted for larcenies outside the jail, with, it is said, deterrent effect."

## CHAPTER XXIV.—GRENADA.

THE "Digest of Information" referred to above draws a shocking picture of the one prison of this island colony, or rather copies the picture drawn by the administrator of the government in 1865. Upon his representation the colonial legislature resolved that a new prison should be forthwith built, but for some unexplained cause that resolve was not carried into effect, and the old structure is still made to do duty as a jail. However, the new one has at length been begun. The memorandum furnished by Mr. Sharpe, the provost-marshal, affords but scant information, and that with few details. Neither day nor night rooms furnish any chance for separation. The daily average of prisoners in 1877 was fifty, of whom about one-fifth were women. The prison is under the charge of the provost-marshal, with a jailer and under-officers, who are appointed by the governor on his nomination. The tenure of office is that of good behavior. The chief punishment is the solitary cell with short and coarse rations. Flogging is used in extreme cases. For unexceptional conduct and industry the prisoner is rewarded by the remission of a portion of his sentence. A stated chaplain of the Anglican Church is employed, but all other ministers have free access to the prisoners of their several persuasions. The prison population is composed of the most ignorant class, and no school is established for them, on the ground apparently that any attempt at improving their minds would fail. The labor for the first three months is what is called penal; namely, shot-drill and stone-breaking. After that the prisoners work in gangs outside, repairing roads, keeping public grounds in order, etc. They are never hired to contractors, and no cash income is derived from their work. The health of the prison is good, and one death in a year is considered extraordinary. Cleanliness is rigidly exacted. Sentences pronounced by the supreme court range from six months to two years; by the magistrates' courts, from ten days to three months. These latter constitute ninety per cent of all that are given. No life-sentences are awarded. The death-penalty exists, but for wilful homicide only. Imprisonment for debt is practised, and debtors so confined occupy the same wards with the other prisoners, and receive the ordinary prison fare in case of their not being able to procure food from friends or otherwise. The recommitments in 1877 were fifty-two out of a total prison population of two hundred and fifty-four. Neither aid societies nor reformatories are found in the colony.



## CHAPTER XXV. — BARBADOES.

THERE are five prisons in this colony; namely, a convict prison at Glendairy and four rural prisons. The Glendairy prison comprises two departments, called the upper and lower prisons, — the former used for male convicts only (felons), in which the cellular system prevails; the latter for prisoners sentenced for minor offences and those awaiting trial: in this the associated system is practised. The number of prisoners at Glendairy is two hundred and thirty-two. Of the four rural prisons two are for women, one for adult males, and one for juveniles (boys). The average number in all the prisons for the year 1876 was 420, — 295 men, 109 women, and 16 juveniles.

The supreme control of the prison system is vested in the governor-in-chief, by whom visits of inspection are made, generally without notice. The office of inspector of prisons is filled by the senior judge of the assistant court of appeal, and its duties seem to be efficiently performed. The officers are appointed by the governor, and hold office during good behavior; politics has nothing to do with the matter. There is no special school for the professional education of prison officials; but the inspector, Judge Watts, thinks that such an institution would be invaluable. Under Governor Strahan, the actual incumbent, the system has been adopted of requiring prison officers to undergo a term of probation prior to their confirmation, to test their fitness for the position; which fitness is regarded as comprising sound moral character, a fair education, a thorough knowledge of the duties required, combined with firmness, calm temper, humanity, a strict compliance with all rules and orders, and a due enforcement of the same.

The discipline is intended to be both deterrent and reformatory, — deterrent through treadmill, shot-drill, quarrying, and stone-breaking; reformatory through kindly admonition, wise counsels, religious teaching, good example, progressive classification, and conditional liberation. A regular chaplain is employed, and prisoners of a different persuasion from that of the Church of England are allowed to be visited by their own ministers. Only in the case of hardened and incorrigible offenders are punishments the chief reliance for the enforcement of discipline. In the mind of the young convict the hope of a conditional pardon by a ticket-of-leave acts as a strong incentive to good conduct while undergoing sentence; but unfortunately with numbers of them the hardships of a prison life are soon forgotten, and they relapse into crime, and are returned to complete their sentences. The severer punishments are flogging (but never in the case of females), soli-

tary confinement, not exceeding twenty-eight days, and degradation from a higher to a lower class. These punishments are awarded only by the visiting justices after trial, on which evidence is taken under oath; and the sentences must be confirmed by the governor of the colony before they can be carried into effect. There was not a single case of corporal punishment in 1876. Minor punishments may be awarded by the prison officers; but they must all be recorded in a book kept for the purpose, and submitted to the inspection and, if need be, the action of the visiting justices. The rewards to convicts are promotion to a higher class for good conduct after a certain time, and ultimately a conditional pardon by ticket-of-license. The effect is good.

A great number of prisoners on commitment are able to read. Their average education is about equal to that of the non-criminal population. Only at Glendairy prison is there a schoolmaster; he gives instruction to convicts that require it. There is a library in that prison, well stocked with books suited to the prisoners' use.

The proportion of women committed to prison in this colony is enormous; indeed, almost unprecedented, being nearly forty per cent of the whole number. I know nothing equal to it except at Liverpool, where the number of women was greater than that of men on my visit to the jail in 1875, and is, I was told, uniformly so. The aggregate numbers of the sexes committed to the different prisons of the colony in 1876 were, of women 1,313; of men, 2,235. The average daily number of females was 109, of males (including juveniles) 311. Here the proportion was only a fraction over twenty-five per cent, — showing a much shorter average duration of sentence for women than for men.

All labor is penal, inflicted as a deterrent; consequently there are no proceeds to meet any part of the cost. Does not this account for the large proportion returned to the prison after discharge on ticket-of-leave? If this conjecture is correct, it would seem that deterrence does not deter.

The sanitary state of the prison appears to be excellent, the dietary is liberal and nutritious, the clothing ample for the climate, ventilation and drainage complete, the water supply in all the prisons abundant; the death-rate is reported as so small as hardly to be worthy of notice.

Sentences given by the court of grand sessions range from three months hard labor to fourteen years penal servitude. In the magistrates' courts the practice exists of giving repeated short sentences for minor offences, with little or no effect as regards the diminution of crime. Life-sentences exist only through commutation of the sentence of death, and there has been but one such within the last ten years. In such cases, after fifteen years of imprisonment the sentence is generally terminated by the intervention of executive clemency, but not according to any fixed rule.

The penalty of death exists in the colony, but is inflicted solely for the crime of wilful murder; and so far public sentiment favors the infliction.

Imprisonment for debt exists on the face of the statute, but is practically abolished by the closing of the only prison where alone debtors could be received.

As regards reformation, the inspector, Judge Watts, while admitting that a large number of the prisoners leave the prison-house worse than when they entered it, still thinks that many leave it morally improved. At the Glendairy prison there were confined at the date of his communication one hundred and eighty-two convicts. Of these ninety-three (a fraction over one-half) were recidivists, much the greater part by the previous commission of felonies. The reader can draw his own inference.

There is nothing done outside the prison to save the discharged prisoner from a return to a criminal career, nor is there any legislative provision to that end. This the inspector thinks a grave and regrettable omission; and he considers it a still greater,—in which all right-thinking men will agree with him,—that no comprehensive system exists which would prepare prisoners, long-sentenced ones especially, by teaching them some trade or handicraft, to earn an honest living after their release. The lack of such a system is the more to be deplored and even censured, since he adds: "Measures for instructing prisoners in a trade could easily be adopted here."

Witnesses in criminal cases are never detained in prison for want of bail to give testimony at the criminal courts. They are bound over on their own bonds to appear and give evidence against the prisoner.

Larceny is the prevalent crime in the colony. The number is large of those who will not work for what they can get by stealing. Crimes of violence are on the increase.

There is one prison for juveniles, called a juvenile reformatory, but is so only in name. It was intended by its friends to be really such, but an amendment was engrafted on the Act creating it, which, as often happens, effectually destroyed that intent and made of it only a prison. However, the hope is entertained that this important question will soon be again considered by the legislature, and such measures be adopted as will effectually meet one of the gravest evils in the actual social system of the colony.



## CHAPTER XXVI. — TOBAGO.

THE information embodied in the following paragraphs was received from Lieutenant-Governor Gore, who remarks, at the beginning of his communication, that, "with such a small population as that of Tobago,—about eighteen thousand souls,—prison discipline is unavoidably of a very elementary kind, there being only one prison for all descriptions of criminals, and the means at the disposal of the Government for this service being less than £1,000 a year, including the maintenance of the convicts."

The one prison contains both male and female convicts, and other classes of prisoners, including debtors. The congregate system prevails, the men working in classified gangs; the women, very few in number, all together. The average daily number of prisoners, one year with another, is about thirty. Prisoners awaiting trial and debtors are each kept in separate associated wards. Long-sentenced convicts are worked inside the walls; five-year men and under, if well-behaved, outside. The labor of the former consists in breaking stone and picking oakum; of the latter, in road-making, clearing brush, carrying water, and other miscellaneous work. Shot-drill is in use for all male convicts sentenced to hard labor for any term exceeding one month. Sentences range from seven days to five years. Flogging is permitted only in punishment of violent assaults on prison officials or for escapes. The death-penalty remains on the statute book, but no capital sentence has been carried into effect since 1846. The discipline is chiefly of a deterrent nature, yet the convicts receive both religious and secular instruction, the former from a chaplain, the latter from a schoolmaster; both regular officers of the prison. The system of conditional pardon on ticket-of-leave is about to be introduced under Lieutenant-Governor Gore, who is the supreme head of the penitentiary system; and his Excellency has taken pains personally to explain to the prisoners that absence from the visiting justices' book will be a *sine qua non* to the granting of a ticket-of-leave to any prisoner. So that it is to be hoped, that the discipline will gradually take on more of a reformatory character.

A reformatory for juveniles would, the governor remarks, be an excellent institution in Tobago; but, fortunately, the number of youthful criminals is so small that the work of reformation could only be carried forward at such an extravagant cost, compared with the highest results attainable, that the colony would hardly be justified in assuming it. There is no aid society in Tobago; nor, indeed, can such be said to be needed, for on

discharge from jail criminals are received by their friends and acquaintances as if they had been, from sheer force of circumstances, unavoidably absent from their usual avocations: no stigma attaches to the fact of having been in jail. This unfortunate phase of public opinion (unfortunate because necessarily demoralizing and deleterious) is reported as existing in several of the West Indian colonies of the British Crown. There is a criminal class in Tobago (and assuredly no marvel, when no stigma attaches to crime), as the reconvictions, amounting to more than half of the jail population, clearly demonstrate. But it is gratifying to be informed, that, with the exception of a single year, when a great riot took place, crime has been for a series of years gradually diminishing in this colony.

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#### CHAPTER XXVII. — SANTA LUCIA.

THERE is but one prison in this colony, — the jail in the tower of Castries, in which the system of association prevails. There is a sort of classification, but not upon any progressive principle, with a view to having it act upon the prisoners as an incentive to good conduct.

The governor of the colony is the supreme authority in charge of the penitentiary system. Under him the chief of police is inspector, who is required to have a constant supervision over the prison; a duty which seems to be well and efficiently discharged. The keeper is appointed by the governor, and holds office during good behavior. The other officials are selected from among the best members of the police, and are removable. The discipline is intended both to deter and to reform, but the limited capacity of the jail renders it difficult to secure satisfactory results. Remission of a portion of the imprisonment for uniform good conduct is in operation, and, as a rule, prisoners secure the benefit of it.

There is no chaplain, but ministers of religion are allowed free access to the prisoners of their respective persuasions, though no visits of laymen are permitted. The mass of the prisoners are extremely ignorant; very few can read or write, which is also the case with the bulk of the population outside. No provision is made for their mental improvement in prison.

The proportion of women to men is about that of one to five, or twenty per cent, there having been committed to prison in 1876, three hundred and eighty males and seventy-seven females.

The male prisoners are employed within the walls in stone-breaking, and outside on government works. The female prison-

ers wash the clothes of the prison and of some other government institutions. The convict labor has a certain value, but it falls far short of the cost of the prison.

The sanitary state of the prison is reported satisfactory, — comprehending the dietary, clothing, ventilation, drainage, and cleanliness of person and building. There was very little sickness and only three deaths during the year 1876.

The longest imprisonment which the law can award is for six years. Sentence of death is sometimes commuted to imprisonment for life or a long term of years, which may be and often is sooner terminated by executive clemency in cases of unexceptionable conduct during imprisonment. The death-penalty, as seen above, exists; it is a punishment, however, inflicted only in cases of wilful murder. Public opinion undoubtedly favors it, although it has never been aroused so far as to express itself formally on the subject.

Imprisonment for debt still exists, but an ordinance has been passed by the legislature abolishing it in the future, except in cases where fraud is shown. The ordinance only awaits confirmation by the colonial secretary of state. Debtors are not treated as imprisoned criminals. They are allowed every liberty consistent with their detention within the walls and the maintenance of the necessary discipline. The current of public opinion is against imprisonment for debt.

The circumstances of the prison are such as to forbid the use of systematic means for the reformation of criminals. Still the percentage of recidivists is reported for 1876 as only three and a half in the hundred. This report differs so widely from those given of all the other colonies, that without explanation one can hardly resist the impression that the statement is a *lapsus* which has crept in through inadvertence.

No patronage society in aid of liberated prisoners exists.

Where a material witness could not find bail for his appearance to testify in a criminal case, he would be detained in prison to make sure of his presence at the trial. Such cases, however, are extremely rare. As a rule, the evidence of witnesses is taken by the magistrate before whom the person charged with an offence is brought, and is afterwards forwarded to the attorney-general.

Larceny and assault are the crimes most prevalent. The chief causes which lead to crime are gross ignorance and superstition, and the free use of a cheap liquor known as "common rum."

There is no preventive or reformatory institution for the young. With rare exceptions all the persons convicted of offences are adults.

It is admitted that there is great room for reform in the prison system of the colony; but doubt is expressed whether under pres-



ent circumstances the expenditure necessary for introducing modern improvements would be justified. Should the scheme, which appears to be more or less talked of, for the establishment of a central prison for the Windward Islands (and which seems desirable) be carried into effect, an opportunity would be afforded for introducing a better system in Santa Lucia.

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#### CHAPTER XXVIII.—ANTIGUA.—BRITISH HONDURAS.

THE provost-marshal of this colony apologizes for the incompleteness of his report by referring to the shortness of his experience there.

There is but one prison, which has the name of the "common jail," and in this the system of association prevails. The governor in council is the supreme authority. Under him is the provost-marshal, who has the immediate management and direction of the establishment. The chaplain, medical officer, and keeper are appointed by the governor, the under-officers by the provost-marshal; but their appointment and removal are subject to the approval of the governor.

Punishments rather than rewards are mainly relied on in administering the discipline; but the governor occasionally exercises his prerogative, and liberates a prisoner on petition, or on occasion of a visit to the prison. The punishments are confinement in solitary or darkened cell, a diet of bread and water, confinement in the stocks, and, as a last resort, the cat; but this is seldom used.

Divine service is held in the prison every Sunday morning and Thursday afternoon, conducted by the chaplain. The prisoners are also visited by clergymen of their respective denominations. Many of the prisoners when admitted can read and write; but their education rarely goes beyond that point. There is no regular prison-school, but the chaplain instructs the younger prisoners every Thursday afternoon, previous to holding the regular service.

The average number of prisoners in 1876 was eighty-five, of whom sixty-eight were males and seventeen females; so that the proportion of women to men is as one to four, or twenty-five per cent.

All the labor in the prison is more or less deterrent, and is technically known as "penal." Prisoners who are artisans are occasionally employed at their trades within the walls for purposes connected with the prison.

Sanitary condition fair ; death-rate very small.

The range of sentences less than life is from six months to five years. Life-sentences are never given in the first instance, — they only exist as commuted sentences for the penalty of death. The executive clemency has occasionally intervened, but not according to any established rule, to terminate such sentences, generally after the convict has undergone several years of imprisonment. Repeated short sentences have been given for minor offences, resulting in no apparent diminution of crime. The death-penalty, as will have been observed, still exists ; but there has been no execution for the last nineteen years. Sentence of death is given only for murder, a crime not often committed in the colony.

Imprisonment for debt exists, but imprisoned debtors are treated differently from imprisoned criminals.

The reformation of criminals while in prison is made to a certain extent an object of their treatment ; and a few, apparently, leave the prison better than they entered.

Nothing is done, at least upon system, for liberated prisoners.

Witnesses are bound over on their own recognizance to appear at the supreme court to give their testimony in criminal cases.

Larceny is the prevailing crime.

There is no institution of a preventive or reformatory character for the young.

BRITISH HONDURAS. — The following short extract from a letter addressed by the lieutenant-governor to the governor of this colony is all that I have in relation to its penitentiary affairs : " Lord Carnarvon expresses a wish that the information sought by Dr. Wines from the various colonies may be supplied. I respectfully submit for his lordship's information, that the prison system of this colony is too crude and rudimentary to enable me to furnish any information that would be of any service to the international penitentiary commission."

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#### CHAPTER XXIX. — MAURITIUS.

THE report on the colony of Mauritius prepared by the direction of Sir Arthur P. Phayre, governor, who evidently takes a profound as well as enlightened interest in the question of prison discipline, is one of much value. I therefore much regret that I can only give a condensed summary of the information conveyed in it.

The associated or mixed system exists in the prisons of this

colony, of which there are ten. Port Louis is the principal prison, designed mainly for prisoners sentenced for the more heinous crimes, though other classes are committed to it. The Grand-River vagrant dépôt is for vagrants only. In the others are detained all persons condemned by the courts of the different districts in the colony.

Each of the prisons is governed by a committee appointed yearly by the governor. Prison keepers and assistant keepers are named by the governor; other officials by the committee, subject to his approval. Political influence has nothing to do with these appointments. Complaint is made that the right kind of men for the subordinate posts cannot be had because of the lowness of the salaries paid. It is believed that much of the success of penal administration lies in this, that the chief officer in each prison has an aptitude for his position and an interest in his work.

The intent is that the discipline be at once deterrent and reformatory, — deterrent by penal labor, and reformatory by instruction both moral and industrial. In the opinion of Mr. Colin, procureur and advocate-general, the system has deplorably failed. Most of the prisoners are Indian and African laborers. To put them to work outside the walls under custodians in whom no trust can be placed, — towards which system there is a daily increasing tendency, — he thinks is converting penal servitude into a solemn farce. The lash, wearing chains, solitary confinement, and forfeiture of part rations are the punishments used; none of which except the second, for reasons explained, is believed to be of much efficacy as a deterrent.

Ministers of all creeds, as also catechists, are allowed free access to the prisoners on certain days. On Sundays regular religious services are held, and twice a week religious instruction is given to all who like to attend. Attendance is entirely optional, which is necessitated by the fact that most of the prisoners are Hindus or Mahometans. It is noticeable that many more attend on working days than on Sundays.

Few of the prisoners know how to read when committed, but many learn the elementary branches through the help of their fellow-prisoners, during their meals and after work-hours. No libraries are attached to the prisons, nor are there any other means of instruction than those already mentioned. "This, in my opinion," says Mr. Colin, "is wrong. There should be a library of good books, not simply religious tracts or the like, but books which can instruct and enlighten."

The proportion of women-prisoners to men is only a little more than one in the hundred, — there having been admitted during the last four years 303 women against 23,099 men; the total population of the colony being of males 207,578, of females 138,377.



Besides shot-drill and stone-breaking, regarded as "penal labor," carpentering, coopering, shoemaking, with other trades, among them printing, have been introduced. All this is in the Port-Louis prison, besides which a considerable number of the prisoners are employed outside the walls on public works. Those in the vagrant dépôt and district prisons are exclusively employed at out-door labor, such as road-making, etc. None of the labor has ever been let to contractors. The cost of the prisons far exceeds the value of the labor.

The sanitary state of the prisons is reported as in most respects satisfactory; the death-rate is a little short of two and a half per cent.

Sentences for life are not given, and the longest term of penal servitude is twenty years. Repeated short sentences have no effect to diminish crime.

The death-penalty may by law be inflicted on a number of crimes; in fact, it is restricted to one, — murder. There is much diversity of opinion on the subject, but if capital punishment is to be inflicted at all, there is thought to be a strong sentiment in favor of changing the mode of execution from hanging to decapitation.

Imprisonment for debt exists only in the case of fraudulent debtors. They are not treated as the other prisoners, being allowed to wear their own clothing, and to receive their food from outside.

Reformatory results are not large. The percentage of recidivists for the last four years has been about seventeen.

Prisoners who have worked at a trade while in prison are allowed, if their conduct has been good, a small sum of money on their discharge; or, if they have learned a trade in prison, a set of tools, to prevent their being thrown upon the world penniless. No aid society exists. Mr. Colin remarks: "I hope there is a growing sentiment in favor of efforts to aid prisoners to reform, and to save them when liberated."

Witnesses sign a recognizance for their appearance before the court of assize to give evidence in criminal cases. They are not imprisoned unless they decline to sign this recognizance, which they take good care not to do.

The crimes which are oftenest committed are larcenies and assaults. The first is due primarily to the natural thieving propensities of the lower and laboring class, which no doubt are stimulated into greater activity by the facility thieves find for disposing of stolen articles. The second is largely caused among the Indian population by the paucity of women, quarrels as to wives being not infrequent, and sometimes, unfortunately, ending in the death of one or other of the parties.

There is one juvenile reformatory in the colony. Children

whom it is desirable to remove from evil influences, as well as those who have broken the laws, are sent to the same institution. The number of inmates at the end of 1876 was one hundred and forty,—all males, and all offenders against the law. They are taught trades and gardening. The aptitude of the boy and his own preference are considered in assigning him to one handicraft rather than another. The boys learning the same trade work together. They attend school for two hours daily. There is now before the legislature a bill to amend the law relating to reformatory schools, which, if enacted into a law, will be likely to work much good. It will then be obligatory on courts, and not merely optional, to send offenders under sixteen years to the reformatory. They will no longer be mixed up with the hideous crowd of murderers, burglars, and highway robbers, who form the bulk of the jail population. There will then be a chance, a reasonable hope, that being morally trained, fairly educated, taught a trade, and kept under strict but kindly and loving discipline, they may turn out good, industrious, and worthy citizens instead of the drones and pests of society.

Upon the whole, the attorney-general comes to the conclusion that the actual penal system of Mauritius is worthless, whether viewed as to its preventive or reformatory action. And he goes at considerable length, and with a strong infusion of common-sense, into suggestions looking towards its reform. They are: 1. A greater use of cellular separation, whereby the criminal may be studied and treated as an individual. 2. The prisons should be turned into great industrial reformatories, in which trades should be taught, and which should be made to pay the expenses, if not wholly, yet in large part. 3. Education should be imparted to the illiterate, and good libraries provided in all the prisons. No penal law could intend that the mind should be enfeebled at the same time that the body is punished. 4. The officers should be better paid, so that more competent men might be secured and retained. 5. There should be one responsible and competent person placed at the head of the whole system, with proper authority to appoint and dismiss under-officers, who form what may be called the police force of the prison. Committees he looks upon as cumbersome, slow, and uncertain; he does not believe in them as a rule. 6. No iron principle should be laid down as to food. The rule here should be broad and general, permitting the ration to be varied with the climate and according to the habits and necessities of different races. One rule, hard and unbending in its uniformity, would inevitably produce this result,—that for the same offence two criminals, of different origin, would suffer widely different sentences. 7. A *bonâ fide* reformatory character should be impressed upon the whole discipline. To change bad men into good ones should be made the aim, and ordinarily attained as the issue.

CHAPTER XXX.—TURKS ISLANDS.—BRITISH GUIANA.—  
ST. KITS.—NEVIS.—VIRGIN ISLANDS.—DOMINICA.

HAVING received no special reports on the colonies included in the present chapter, for what relates to them I draw upon the "Blue Book," printed by parliament in 1867, under the title already cited: "Digest and Summary of Information respecting Prisons in the Colonies."

TURKS ISLANDS.—There is but one prison in this colony, which had been condemned as unfit for the purposes of a prison; but a new one had been determined upon, and it is to be hoped has ere this been constructed. The prison, such as it was, would appear to have been neither well-managed nor efficiently inspected, for the "Digest" declares that "the powers of the visitors are nominal and seldom exercised." It further states that, "in violation of the prison rules, the female prisoners have not been attended by a matron."

BRITISH GUIANA.—The prisons in British Guiana are a "penal settlement," three local jails, and one hundred and four lock-ups.

Up to 1863 the "penal settlement" establishment had been badly managed, but at that date a radical reform was effected. The "Digest" reports the state of things as on the whole "satisfactory." The sanitary arrangements were good, except that the cells were too small, and in the old wing ill-ventilated.

The progressive principle is introduced here. All convicts are subjected to a preliminary period of six months in solitary confinement, with reduced diet and shot-drill. Thence by good conduct they may rise through successive stages, and at the expiration of three-fourths, or in the case of sentences from six to twelve years two-thirds, of their term they may be discharged on ticket-of-leave.

Instruction, both religious and secular, is provided for the prisoners in the penal settlement. The prison however, with all its appliances of progressive classification and teaching, does not appear to have any marked reformatory influence, for the "reconvictions" are reported as "numerous."

Inspection can hardly be thorough or effective, as neither the prison board nor the inspector of prisons can visit oftener than once a month; nor can they do so without notice, since the only means of reaching the settlement is by the regular monthly steamer.

Two of the local jails seem to be reasonably good, but the other is extremely bad. No latrines; means of ventilation defective; rooms so crowded that their floors are "one general bed,"



the prisoners lying for twelve hours side by side, with no space between them. An allowance of two feet is made for each prisoner, but it is often found necessary to give less room. Unconvicted prisoners are associated with the others.

ST. KITS. — There is but one prison in the colony, — the Basse-terre jail. Its condition is reported to be briefly this: Sewerage and drainage defective; no lavatory; space *per capita* insufficient; no separation; prison unhealthy; discipline not well maintained; no reformatory system, except that extra work appears to be sometimes made a ground of remission of part of the sentence. Twelve hours are allowed for sleep. Diarrhœa and low fever prevail, and the number of sick is out of all just proportion to the prison population.

NEVIS. — One prison only exists here, which is without sewerage or drainage. There is but a single bath, "attached to the well." The cells are insufficient in size. The prisoners are generally separated at night; but labor appears not to be rigorously enforced. The only work is on roads, or in breaking stone. The regulation amount of stone (sixteen bushels) is never broken, though at St. Kits the same amount is often exceeded by one-fourth part.

There is no reformatory for juveniles, but it is thought highly desirable that there should be one.

VIRGIN ISLANDS. — The one small prison in this colony serves also as a lunatic asylum. Small as it is, it is large enough to count a considerable number of defects; for example, lax discipline, no sewerage, no separation, labor too light, hours of sleep excessive, and dietary too high. Barring these drawbacks, "the prison seems to be as good as the circumstances of the colony will allow."

The number of serious cases is few, as professional criminals generally betake themselves to St. Thomas, finding here small field for their exertions. A curious story is told of a prisoner who had been repeatedly committed to the jail, was often turbulent, and had proved quite incorrigible by any of the customary deterrents, such as shot-drill, solitary confinement, flogging, etc. At length a new method was invented and applied. He was confined within the prison walls, and made to pick up a large stone, carry it to the other end of the yard, put it down, pick it up again, and carry it back to the starting point; and so on indefinitely. The stone weighed seventy pounds! This discipline proved effective. The man never came back, and he is now earning an honest living at St. Thomas as a porter, — a position for which he ought certainly to be well qualified, after his experience at the

Virgin Islands! The story itself is suggestive; but perhaps the additional suggestion may be ventured, that a stone of lighter weight might serve the purpose just as well. It is a punishment that could hardly be applied in the original form to every prisoner. In this case "deterrence deterred," which is more than can be said of it in many others.

DOMINICA. — One prison only, — the Roseau jail. In accommodation, sanitary provisions, and penal discipline it is very defective. There is no sewerage, only surface drainage. The latrines in the entrance and hospital yards are not well placed, and are "often offensive." The ventilation is imperfect. There is no lavatory, nor any bath, except a tub which belongs to the keeper. The cells are much too small for the numbers placed in them. The hospital ward for males is ill-placed and ill-ventilated. There is no separation. The classification required by the rules cannot be carried out. Criminals are not separated from debtors at exercise. Felons are associated with misdemeanants, and old with young. There is no "penal" labor for the men; the women are set to a rude, unregulated shot-drill. The only attempt at reformation is through the granting of remissions; but evidently with no good effect, as seventy-six per cent of the committals are old offenders reconvicted. Yet, in the face of all these deficiencies, the jail is reported as "well-kept, clean, and healthy, the prisoners generally leaving the prison in better condition physically than when they enter."

The labor performed within the jail by the men consists in cleaning the premises, drawing water, and breaking stone for roads. That done by the women is cleaning, washing, making and mending the prisoners' clothes, and carrying shot from one point to another. The male prisoners are employed outside the jail in cleaning and keeping in order the government house, grounds, and premises, digging graves for paupers, laboring on public works, etc. That this labor is wholly inefficient to any purpose of reformation is shown in the fact that more than three-fourths of all the committals are on reconviction.

The inspection and supervision do not seem to be either thorough or efficient. It is the duty of the board of superintendence to visit and inspect every month, and report to the lieutenant-governor, — a duty by no means performed with regularity. Yet the chairman is the chief-justice of the colony, and the senior law-officer is another member of the board. The inspector of prisons visits only once a year; magistrates not on the board of superintendence scarcely ever visit, and no visits are by surprise.

The longest sentence known to the law of Dominica is four years. The lieutenant-governor has the intention of recommending an improved scale of sentences, accompanied by a proposition to establish in connection therewith a system of tickets-of-leave.

## CHAPTER XXXI. — GIBRALTAR. — NATAL.

THERE are but two prisons in Gibraltar, — a criminal prison, consisting of common jail and convict department, and a debtors' prison. The system is that of separation at night, and associated silent labor by day. The criminal prison is a building outside of, though attached to, the walls of the old Moorish castle. It has the appearance, with its successive alterations and additions, of a makeshift concern. It should be mended with a new one. The location is bad; the yards are in small, sloping terraces, restricted as to space, and exposed to the direct power of the sun. It is utterly unsuitable as a place of punishment, and still more so as a place for reformation.

The supreme authority is in the hands of the governor of the colony. Inspections are frequent, generally by surprise, and highly beneficial.

The officers are appointed by the governor, and hold office during good behavior. There is nothing political in these appointments.

It is intended that the discipline should both deter and reform, — the first by a strict enforcement of disciplinary rules, the second by religious and scholastic instruction. The principal punishment is confinement in a solitary cell, on a diet of bread and water.

The prison is provided with a chaplain and a schoolmaster, who discharge with fidelity their respective duties. Few prisoners can read when committed, but many learn during their incarceration. A library is provided for their use.

A little more than two per cent of the inmates are women.

All the labor is industrial, and is managed by the administration.

The sanitary state of the prison is reported as satisfactory. The clothing, suited to the climate, is changed weekly. Ventilation and drainage good. Prisoners bathe twice a week in summer, and once a week in winter. The building is kept scrupulously clean in all its parts. The cells are lighted with gas. The death-rate *nil (sic)*.

The sentences of "convicts" (that is, as I suppose, criminals condemned to penal servitude) range from five years to fifteen; one fourth of which, if I understand the report, may be remitted for good conduct. Other prisoners (misdemeanants) are sentenced to periods varying from two days to three years. A repetition of minor offences is followed by punishment of increased severity.

For wilful murder the death-penalty is retained. Public opinion is divided as to the wisdom of such retention.



Imprisonment for debt still exists, but imprisoned debtors are treated as gentlemen. Public opinion strongly favors its abolition.

It is claimed that many prisoners leave the prison-house much improved, morally as well as physically. Yet the reformatory results would not appear to be conspicuous, as the average of reconvictions is reported at forty-one per cent.

Nothing is done for the protection of liberated prisoners.

Witnesses are never imprisoned. Their personal recognizances are accepted. If they fail to appear at the trial, their depositions, taken when the prisoner was examined and committed, are received in evidence against him.

Thefts and assaults are the prevalent forms of criminality. Drunkenness, idleness, and misery are chief causes of crime in the case of adults; with juveniles, loss of parents and of home.

There are no preventive or reformatory institutions for the young. In the prison, juveniles are kept as much as possible from adults when at work. When not at work, the separate system is enforced with respect to all ages.

Mr. Oates, superintendent of the Gibraltar prison, makes the following sensible remarks on the subject of the reforms needed in the colony : —

“The existing prison does not admit of the required means to carry out reforms. A new prison, provided with the requisite number of wards, is needed for efficient reforms, particularly with respect to the young.

“Task-labor of a remunerative nature, sufficient to make the prison self-supporting or nearly so, should supersede all kinds of non-productive labor in prisons. The enforcing of the task-work system would make such labor both deterrent and reformatory.

“It seems that a first offence of the general run of crime should be more leniently dealt with. Men convicted a first time and committed to prison feel damaged in reputation. The purity of their lives appears to be sullied by a first confinement within the dread prison walls; and in many instances a first committal may and does result in the commission of further and more serious offences.

“A life-sentence is a fearful penalty for a first offence. It would seem to be justified only for crime approaching in heinousness that of wilful murder.”

NATAL. — In a dispatch addressed to Lord Carnarvon by Sir Henry Bulwer, lieutenant-governor of the colony, under date of March 5, 1878, he says : —

“In my dispatch of the 28th June last I informed your lordship that, upon a consideration in the Executive Council of the proposal made by Dr. Wines, it was decided that, the prison system of this colony not being as yet in a sufficiently advanced stage, this Government would hardly be in a position to send representatives to the proposed Peniten-

tiary Congress at Stockholm ; and I may now add, for your lordship's information with reference to the wish expressed by Dr. Wines that a report should be furnished on the subject of the prisons and the prison discipline of the several colonies, that the experience of this colony is not such as to enable us to give any useful information on the subject. This Government has in point of fact yet to establish those principles of sound prison management which the experience of other countries has accepted, but which, owing to causes with which your lordship is well acquainted, cannot at once be adopted in new colonies and among young communities, whose public wants of this nature increase out of all proportion to the means necessary to meet them effectively. The principal obstacle to establishing and carrying out a really efficient system of prison discipline in this colony at this moment is the want of sufficient accommodation, that which has hitherto been provided having been left far behind by the rapidly increasing wants of the community. That this Government desires to effect an improvement in its prison system your lordship will have learned from my dispatch (No. 4) of the 9th January last. The chief obstacle, as I have just said, is the *insufficiency of the accommodation*; but steps are being taken to provide a considerable addition to the accommodation in the two central jails, and accommodation of a proper character; and when that is done, but not till then, we shall have it in our power to carry out those conditions of prison management which are essential to a sound penal system."

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#### CHAPTER XXXII.—CAPE OF GOOD HOPE.

CONVICTS at stations in this colony are divided into two classes; namely, (1) penal, and (2) probation. In all cases in which their characters are known to be bad, or their sentences not less than five years, convicts on arriving after sentence are placed in the "penal class," where, without abridgment or mitigation, they undergo one sixth of the sentence passed on them previous to promotion to the superior class.

In the "probation class" the period of servitude (unless reduced by the special authority of the governor) is four fifths. If, at the termination of that period, the records show steady and uninterrupted progress in general conduct, in character, and habits of self-restraint, the remainder of the sentence is remitted. This rule does not apply to second or reiterated convictions. The amount of indulgences accorded is decided upon the merits of the case. The average number of prisoners in the "penal class" is about fifteen per cent.

The under-colonial secretary has control of the convict stations. To him are referred all recommendations for mitigations

and indulgences of either nature, together with questions referring to general management and discipline.

Prison officers are appointed by the colonial government during pleasure. Political influence has nothing to do with appointments. Situated as the colony is, the Government is compelled to accept the services, in the subordinate appointments, of men not possessing any peculiar qualifications for their offices. Previous good character is, however, always insisted upon. Breaches of discipline entail fines and dismissal.

The discipline is intended to be deterrent and reformatory. Punishments can be inflicted to the extent of fourteen days solitary confinement upon spare diet, or twenty-five lashes for minor offences. In cases of desertion, two years additional hard labor and seventy-five lashes can be inflicted by visiting magistrates. Pecuniary rewards, payable on discharge, are granted to men of good character, and in some cases a slight addition to the daily ration is allowed, generally consisting of coffee and sugar, which do not form part of the regular ration.

Chaplains, or religious instructors, are attached to the stations; prayers held morning and evening; divine service in English and Dutch on the Sabbath. Volunteer visitors are not admitted into the stations.

Prisoners are generally totally ignorant on admission. Schools for elementary secular instruction are established at each station, and the convicts attend them once a week. A library in charge of the chaplain or religious instructor is attached to each station.

The cost and value of the labor are nearly equal. The men are employed on large public works which could not be constructed by free labor except at a greatly increased expenditure.

The health of prisoners on reception is generally good; ventilation and drainage satisfactory. Convicts bathe once a week, and have clean linen twice a week. Lighting is secured by means of gas and paraffine lamps. Amount of sickness averages about five per cent; death-rate about two per cent. Deaths occur principally among the older convicts who are impatient of restraint, or are received with the germs of disease in their systems.

Life-sentences are not commonly ended by death. Large mitigations are frequently given, and the average period of servitude may be calculated at from ten to twelve years.

The death-penalty still exists, and is inflicted for murder and rape, — for the latter only in very aggravated cases. Such cases are very few in number.

Imprisonment for debt exists.

Prisoners as a general rule leave the stations better than when they enter them. Frequent convictions are very limited. In a country so sparsely populated as this is it is not possible to do



much towards saving such from a return to crime ; there are no organized societies to this end. The convict as a rule, immediately after his liberation, makes for his home, which often is some two hundred or three hundred miles distant from the station, and is absorbed in the native population. The chaplains do their best by giving them recommendations to other ministers of religion ; but it is not possible to say whether they are presented or not, or, if made use of, with what result.

Thefts and receiving stolen goods are the crimes oftenest committed. Frequent droughts, occasioning scarcity of food, and an innate proclivity to appropriate what does not belong to them may be taken to be the chief causes.

There are no reformatory institutions for the young ; juvenile crime is very rare. Youths are kept and worked at the convict stations as much as possible apart from the other criminals.

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#### CHAPTER XXXIII. — GAMBIA.

THERE is but one prison in this colony, — the jail at Bathurst. The system is that of association. The average daily number of prisoners for the last five years has been thirty-eight and a half.

The supreme control is in the hands of the administrator of the government, in conjunction with the legislative council. An efficient inspection is maintained by the administrator, a visiting justice, and the medical officer.

The officers are appointed by the administrator, and their tenure of office is for such period as they perform their duties in a satisfactory manner. Political considerations are of no account in making these appointments. Mr. Gouldsbury, the actual incumbent, sketches in a discriminating and admirable manner his ideal of a prison official as follows : —

“ I think that a prison officer should be a man of unblemished character, and of sound sense and judgment. He should be possessed in no small degree of the faculties of observation and reflection ; and should be a man of determination, and yet of forbearance and ready sympathy. He should be able to discriminate between premeditated, intentional evil and unpremeditated evil, and again between those two and what I may call accidental evil. He should possess in an eminent degree the power of reading character ; and, finally, he should be a man of patience and charity. . . . No special schools for the professional education of prison officials exist in this colony. I consider such special education necessary to the highest efficiency of penal administration. Perhaps in no way would schools for such special training be more useful than in the means

they would afford for determining the natural fitness or otherwise for prison work of those who were candidates for office in the penal department."<sup>1</sup>

The discipline in the jail in this settlement is almost entirely deterrent; and the principal agencies of such are separate confinement, limited diet, observance of strict rules and regulations, and enforced labor both penal and productive. The only reformatory discipline is that embodied in the teachings and exhortations of the colonial chaplain who periodically visits and holds services in the prison. There are no special efforts made to plant hope in the heart of the prisoner. Punishment and fear are the agents relied on in administering the discipline. Generally when a prisoner commits an offence against discipline he is, according to its gravity, punished by confinement in a solitary cell, reduction of diet, or flogging. This last is occasionally inflicted for larceny committed outside the prison, with (so says the "Digest of Information") "good effect." Inflicted for prison offences, according to the same authority, it is ineffectual when repeated in the case of old offenders.

The general condition of criminals in point of education is one of total ignorance; but in this respect they are on a level with the outside population. No provision is made for their mental improvement during their incarceration.

The women form about one-eighth of the prison population.

A distinction is made between "penal" and "productive" labor. The productive labor consists principally in breaking stone, making and mending roads, cleaning drains, transporting materials, etc. All of it is done on account of the Government and managed by the administration; none is ever let to contractors.

The sanitary state of the prison does not appear satisfactory, — ventilation, drainage, cleanliness, etc., being apparently quite defective. The death-rate is reported as thirty-one in every one thousand received.

Sentences to penal servitude less than life range from three to fourteen years; for minor offences, from two years downwards. The death-penalty may by law be pronounced for several crimes, but in point of fact it is very rarely inflicted for any, and never except in murder cases. To this extent public opinion sanctions it as just. The practice prevails of giving repeated short sentences for small offences, but it is without avail as an agency for

<sup>1</sup> This is precisely what is noticed by M. Demetz, founder and late director of Mettray, in France, as one of the best and most valuable issues of his *école préparatoire*, organized before the colony was founded, and kept up ever since. "If that training-school should be destroyed," said M. Demetz, "Mettray itself would be destroyed."

making crime less. When a prisoner has been twice summarily convicted, it is in the power of the magistrate, on a third appearance before him, to commit such prisoner for trial; and if convicted of the offence charged, however trivial, the judge may pass a heavier sentence upon him. Mr. Gouldsbury does not state whether this is actually done; nor, if so, with what effect; nor whether the sentence, on further repetition, may be made progressively cumulative. It would have been interesting and instructive to know these things as well as what is told.

Imprisonment for debt no longer exists in this colony.

The reformation of criminals is not made a primary object. It is questionable whether any moral change for the better is wrought upon them during their imprisonment.

Nothing special is done to save liberated prisoners from a return to crime. No aid society exists.

Witnesses in criminal cases are allowed to give their own bonds to appear at the trial, no matter in what position of life they are. Should they fail to appear, the judge may allow the deposition, taken in the presence of the accused at the time of his examination, to be used at the trial.

The chief crime committed in the colony is larceny. The causes that lead to it are idleness, ignorance, improvidence, and a low and depraved state of public opinion. A man does not lose caste by stealing, and on his release from prison he is as much thought of by his neighbors as he was before his conviction.

There is neither preventive nor reformatory institution in the colony.

Mr. Gouldsbury makes certain suggestions on the general question of prison reform. 1. He thinks that in many cases crime is committed thoughtlessly, or under the pressure of want, or on a sudden and strong temptation. In such cases, there being no innate or habitual tendency to crime, after a first conviction and imprisonment he would have the offence blotted out, so as never to rise up against the offender in future, on any occasion or to any purpose: this in the hope that such complete rehabilitation would operate as an effectual check to all further criminal attempts. 2. After this he strongly favors a system of cumulative sentences. 3. Then, as regards robbery with violence, the beating and wounding of women and children, more especially wife-beating, he queries whether they would not be best and most effectually prevented by a more general infliction of punishment by stripes than is now practised. 4. With a more special reference to the penitentiary system of Gambia, he favors the use of means for the education of the prisoners, and particularly for the teaching of trades to those whose sentences are long enough to permit it; and, in the case of others, he would at least have the first principles taught and the groundwork laid of some useful and remunerative handicraft.



## CHAPTER XXXIV. — MALTA. — ST. HELENA.

NO report was received from the authorities of Malta, and I have only the "Blue Book Digest" to draw upon, whose statements are of the narrowest and most restricted character. Why this should be so is matter of surprise, when the "Digest" pronounces one of the establishments "in most respects a model prison of its kind." There are four prisons at Malta; namely, two houses of detention — Valletta and Gozo — which are really nothing more than police lock-ups; a female prison (Ospizio); and a large prison and house of correction for males at Corradino.

In the Ospizio the highest daily average of prisoners for five years had been ten, and the lowest two. It is mainly a prison, or hospice, for disorderly prostitutes. The inmates are in association, are permitted to talk freely, have no labor, and their diet is high. The regulations say that "a separate sleeping cell will be allotted to each;" but there are only three rooms in all, with some ten prisoners and more.

Eleven-twelfths of the prisoners in Malta are semi-Oriental; and the remaining twelfth consists chiefly of English sailors and soldiers, committed on civil process.

The prison at Corradino is for males sentenced for more than three days. This prison is built on the radiating plan, and is managed under a set of rules which were carefully prepared in 1861 in consultation with home authorities. These rules provide for a reformatory system on the progressive principle, with graduated severity in separation, labor, and diet. Results unfortunately not stated. Daily average of inmates for five years ranged from 116 to 156. Flogging is not in use in the prisons of Malta.

ST. HELENA. — There is one prison here for all classes of offenders. It is in effect a mere house of detention, sanitarily good, except as to size of cells (171 cubic feet), but insufficient in accommodation. The average number of prisoners for five years had ranged from ten to forty-eight. Most of the committals are simple police cases. There can be no separation, except of the sexes. There would seem to be no regular visitation.

An ordinance had been passed in 1865 to establish a juvenile reformatory, with a carefully considered scheme for encouraging good conduct by the certainty of proportionate abridgment of sentence. Till then juvenile offenders had commonly been birched instead of being imprisoned. Whether the scheme has been carried into effect is unknown to the present writer.

## CHAPTER XXXV. — CEYLON.

THE "Blue Book" of 1867 concerning colonial prisons declares that "the state of the prisons and of prison discipline in Ceylon is very bad, and urgently requires reform." Again: "Their state is such as would justify the strongest language of condemnation." Since then immense progress has been made, and especially since the Prison Congress of London in 1872.

A commission, appointed by the governor and council of the colony in 1866, reported that not a single prison of the twenty-eight within the jurisdiction could be regarded as at all secure; that, except in one prison, there was no labor that could have the least deterrent effect; that there was no separation beyond that of the sexes, of color, untried prisoners, and debtors, and that criminals of all shades of guilt lived and slept in close association; that the diet was too high; that the prison system was the reverse of reformatory; and that the sanitary condition of the jails was very bad. The same commission recommended: 1. That there should be four classes of prisons, with a sufficiency of large and well-ventilated cells. 2. That provision be made for a system of progressive classification, to consist of a preliminary penal stage, and a subsequent promotion for industry and good conduct through stages or classes gradually diminishing in severity, and for a system of marks and of remission by ticket-of-leave. 3. That there should be an efficient and well-paid inspection of prisons. 4. That extended powers of whipping instead of imprisoning juvenile offenders be granted by the legislature. It is singular that this last recommendation should have been made in the face of the following testimony by the fiscal of Jaffna prison, one of the largest in the colony: "Sentences of flogging are pronounced by the courts for offences other than those committed in the jail. The law does not restrict the infliction of this punishment to particular offences. In practice it is generally, in this province, confined to cases of cattle-stealing, thefts, violent assaults, and escapes from jail. The punishment has been very greatly disused of late years, as compared with former times. In my opinion, the general effect of it is bad, as hardening offenders; and certainly no evil consequences can be pointed to as the result of, or even as having happened concurrently with, the great decrease in the resort to it." The fiscal of Kandy, another large jail, testifies to the same purport: "Flogging seems to be of no effect, as those who have been flogged are the ones who generally run into crime; their back being hardened, they don't seem to mind it." This, as I conceive, is sound sense, confirmed by stubborn facts, and that despite some testimonies in the contrary direction.

The governor and council approved the conclusions of the commission in the main, not wholly, and immediately set about the reforms recommended. As a first step, they procured an able inspector of prisons from England, Mr. H. J. Duval. Early in 1867, under the direction of this gentleman, a system of penal discipline was introduced into Welikada, the principal prison in the colony. Separate confinement, with rigorously penal labor, was enforced during the whole term of short sentences, and the first six months of long ones. The long terms were divided into three stages, — penal, secondary, and upper.

On committal, every prisoner is placed in the penal stage. There is no shortening of this stage, but it may be lengthened by misconduct. Prisoners are here kept in separation night and day, with the exception of three hours, — half in the forenoon and half in the afternoon, — when they are taken out in gangs to undergo shot-drill. When not so engaged, they are employed in their cells beating cocoa-nut husk into fibre, or twisting the fibre into coir-yarn. This stage is found to exercise a beneficial influence on the prisoners.

From the penal they are removed into the secondary or industrial hard-labor stage. Here the penal labor ceases, and the prisoners are put at any hard labor for which their previous occupation in life may have fitted them, the object being to make their work as productive as possible. With the commencement of this stage they are placed on the mark-books. Every prisoner is charged with a number of marks corresponding to the number of days in his sentence, less the first stage. By unexceptional diligence and behavior he may earn nine marks a week. If he earns this maximum continuously, he will win his discharge at the end of seven-ninths of his sentence, the remaining two-ninths being remitted. Any average of marks less than nine per week will proportionately diminish the shortening of his term. The general endeavor is to earn the maximum.

The upper stage is a privilege held by the few. Prisoners who have served at least two-thirds of their sentence, and who have while in the industrial stage distinguished themselves as good prisoners and leading workmen, are promoted to the grade of prison constables, — their duties being to assist the under-officers in the maintenance of order and discipline. When employed on public works they act as foremen. While holding this position, they are credited with one rupee per month, which is paid to them on their liberation.

Religious instruction cannot be enforced in a country settled by many races, professing many religious or superstitious creeds. At all the more important prisons the ministers and native catechists of various missionary bodies hold service on Sunday ; but attendance is not compulsory, it is simply permitted.



The education of the prisoners is a question almost as difficult as that of religious instruction. Native schoolmasters, in receipt of a small stipend, attend on Sunday afternoon, and give elementary instruction in Sinalese and Tamil, but without large results. The prisoners do not like to attend school on Sunday, as being their day of rest, and they prefer idling their time in sleep or talk.

The foregoing is the substance of Mr. Duval's report to the London Congress. The system, as thus laid down, has been in the main followed since, but with these modifications: 1. The duration of the penal stage has been reduced from six to three months. 2. Working in the cells has been discontinued as prejudicial to the health of the convicts; the same class of penal labor is still exacted, but is done in stalls outside, so arranged that no prisoner at work can see or speak to his neighbor. At night, all are locked up in separate cells as before. 3. The dietary has been changed, with results highly satisfactory to health. 4. More attention is paid to education, and two hours a day of schooling is given to every man in the penal stage.

The supreme authority over the whole prison system is in the colonial government, under which is an inspector-general of prisons. The inspection is held to be thorough-going and efficient.

The superior officers are appointed by the governor of the colony. One superintendent and several trained jailers have been obtained from England. The subordinate officers are procured in the colony. Political influence has nothing to do with these appointments, which are made during good behavior. With few exceptions, the officers are reported as not efficient or reliable; but plans for their improvement are under consideration which, however, do not contemplate the establishment of a school for their professional training.

Ceylon is said to be in the happy position of a country having no criminal class, there being practically (except a few in the large towns) no habitual criminals. Punishment, therefore, has been directed to deterrence almost entirely, as there is neither need nor room for reformation with men who have as a rule borne good characters previous to the commission of the special acts for which they are undergoing punishment.

The moral and religious agencies employed and the secular instruction given have been already set forth. It remains only to add, that in the principal jails a few instructive books are kept, to which access is allowed to the well-conducted men after the hours of work and on Sundays.

The proportion of female prisoners to males is about 3.5 per cent.

As has already been seen, a distinction is made between penal and productive labor, the former being restricted to the penal stage of three months. The management of the labor is kept

entirely in the hands of the administration. Its value covers about one-third of the annual cost of the jails.

The sanitary state of the prisons is reported as in all respects "decidedly good." The number of deaths in 1876 was sixty-two, with daily average of 2299, — equal to 2.7 per cent.

Prior to 1872 all life-convicts were transported; consequently, only twenty-seven prisoners are now in confinement under sentence for life, all of whom were originally condemned to be executed.

The death-penalty exists only in cases of murder.

Imprisonment for debt may be enforced for sums exceeding one hundred rupees. Debtors do not receive the treatment awarded to criminals. Public opinion is divided on this point; by some it is believed to foster a system of false credit; by others it is considered a safeguard against fraudulent bankruptcy and concealment of property.

It is not doubted by the authorities in charge that the long-sentenced prisoners are benefited by their incarceration owing to the habit of industry and order they cannot help learning in the jail. The proportion of recidivists does not exceed eight per cent of the whole number discharged. Moreover, there is evidently a gradual and somewhat rapid diminution at least in the higher grades of crime. The convictions before the superior courts of the colony were, for 1875, 1059; for 1876, 849, — being a diminution of one-fifth, or twenty per cent, in a single year. The average prison population for the former of these years was 2,606; for the latter, 2,407.

As regards reformatory institutions for the young, nothing has been done in that direction owing to the small number of juveniles sent to jail in Ceylon.

Nothing is done with reference to saving liberated prisoners from a return to crime, and, upon a consideration of the whole case, it is thought by the authorities that there is really no occasion in Ceylon for the use of agencies ordinarily directed to this end.

I have already stated that great progress has been made in this colony since 1872, the date of the London Congress. Let me cite some sentences in confirmation from two or three recent official documents. Mr. Saunders, inspector-general of prisons, in his report for 1875, says: "No one who has seen our jails, and who can remember what they were, can fail to be struck with the wonderful change that has taken place in them. Even so late as 1872, many of our jails were houses not fit for human beings. Our best jails were overcrowded and filthy, — two, three, four, and even five prisoners being shut up in a cell only fit for one. In those days jails were not lighted nor patrolled. Clothing was dirty and insufficient, and no system was observed in the manage-

ment of the prisons or prisoners. But how different is it now! And this change has been brought about, not merely by a grant of public money, but by the unceasing interest taken in prison reform by all those concerned in the matter."

Sir W. H. Gregory, late governor of the colony, in his valedictory address to the legislature remarked: "The prisons were until recently Augæan stables of corruption, lax discipline, and idleness. The prisoners were not turbulent it is true, but for the best of reason, — that they had nothing except confinement and light work to disturb their serenity. Now the strictest discipline prevails in every prison, the structural conditions of which permit it to be carried out. We are endeavoring also not merely to punish but to improve. In the convict establishments we are striving to educate our long-sentence prisoners, and to teach the women various branches of needlework. We have recently given instructions to a select number of well-conducted long-sentence men to be formed into an artificer corps, and to be sent to the different prisons in which masonry work is to be executed. These men will be allowed to earn some small trifle each week, and at the expiration of their sentence will have sufficient to maintain them until they can find means of exercising the trade they have learned in prison. We are much encouraged in our endeavors to reform our prisoners by habituating them to steady work, and by giving them the means of employment when released, by the fact that there is so small a proportion of reconvicted offenders among our prison population."

I cite but one additional passage. It is from the pen of Mr. E. Eliott, acting inspector-general of prisons, to whom I am indebted for a manuscript report on the prisons of Ceylon, under date of July 19, 1877. In it he says: "It is thought that Ceylon has reason to be satisfied with the progress of prison reform during the past five years. Large sums of money have been spent in building new and improving old jails, and this is still going on. Our system is ahead of India; and His Grace the Duke of Buckingham, at present governor of Madras, when recently visiting the island expressed his surprise at the completeness of the Welikada prison, the principal penal jail for the island. The importance of the cellular system is fully acknowledged, and it is being rapidly applied to all jails.<sup>1</sup> It is believed that the system now worked is good, and it only remains to have it properly carried out at the various subsidiary jails. For this purpose improved establishments are required and a better class of jail officers. How this can be best secured is now under careful con-

<sup>1</sup> By the "cellular system," as the expression is used here, is evidently intended cellular separation by night, as it would be impossible to apply the principle of complete separation in connection with the public-works system of labor in use in the colony.



sideration. A defect which requires attention is the want of an intermediate or license system, enabling convicts under long terms of imprisonment to earn by good conduct and industry a conditional pardon or ticket-of-leave."

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## CHAPTER XXXVI. — NEW ZEALAND.

IN giving an account of the prison system of New Zealand I cannot do better than transcribe, with slight condensation, the lucid and interesting communication addressed to me by his Excellency, Mr. John Sheehan, Minister of Justice for the colony, as follows:—

NEW ZEALAND, DEPARTMENT OF JUSTICE,  
WELLINGTON, 19th June, 1878.

SIR, — In reply to your circular letter, requesting to be furnished with certain information as to the prison system in force in this colony, I have the honor to inform you, that, until lately, jails throughout the colony have been built and maintained by the several provincial authorities, and to them have been committed hitherto the appointment and payment of officers. The consequence is that no general system has yet been established, although the Government is now endeavoring to provide one. In 1875 the Government introduced the mark-system, with very satisfactory results; but, owing to a want of proper classification, it has been impossible to carry out the principle completely. So far as their means have permitted, the Provinces have done their best to provide proper jail accommodation, and the local management has been, on the whole, creditable. But the want of a central penal establishment for long-sentence prisoners, the lack of room for carrying out the cellular system, the originally faulty construction of most of the jails, and the absence of an efficient general inspection have led to very unsatisfactory results. The effects of imprisonment are not reformatory; in some cases not even deterrent. I regret to have to say, that, on the whole, I believe that prisoners come out of jail worse than when they enter.

The Government is keenly alive to the evils that exist, and hopes, with the aid of the legislature, to provide means for thorough classification and inspection.

The foregoing observations will explain the difficulty I have in answering categorically the questions to which you desire to have answers; but the following replies may be taken to represent the state of the case in most parts of the colony:—

The mixed system has hitherto prevailed throughout the colony, though in some of the prisons prisoners sentenced to penal servitude are kept separate from those sentenced to hard labor, and some attempt is made to classify the female prisoners.

The minister of justice has the general control of the prisons. Visiting justices are appointed to each jail to inspect, hear reports, requests, or

complaints, and, if necessary, to order punishments. Beyond this there is at present no general inspection.

All prison officers are appointed by the governor on the recommendation of the minister of justice, and hold office during the governor's pleasure. The subordinate officers are generally chosen by the jailers, who select men of good character, strong robust appearance, orderly habits, and such as will exercise self-control and firmness, and will not be drawn under the influence of the prisoners. There are no special schools for the training of these officers, but such special education is no doubt desirable.

The discipline is intended to be deterrent and reformatory, but hitherto it has not been as successful as is desired. Offences in jail are punished by solitary confinement in a dark cell with only bread and water, by forfeiture of marks, and by short rations. Incorrigibles are sometimes sentenced to additional terms of imprisonment. Good conduct is rewarded principally under the mark-system, by which prisoners sentenced to periods of over three months can earn a remission of nearly one-fourth of their sentences. In one jail the prisoners can earn "exertion money" by the performance of more than the allotted task. In the larger jails they are taught trades.

Religious services are conducted every Sunday in the larger jails by ministers who attend voluntarily.

The moral effect of correspondence with and visits from family friends is generally good, but correspondence with others has frequently an injurious effect, as connection with old associates in crime is thus kept up.

The education of male prisoners does not differ greatly from that of the non-criminal population. A large proportion of crimes, such as forgery, presuppose acquirements above the ordinary primary instruction.

The female prisoners are mostly low prostitutes, whose degree of education is greatly below that of the male prisoners.

There is generally a night-school for the prisoners, and they have the use of libraries provided for them.

The proportion of the sexes is that of about five males to one female.

All labor is industrial, and intended to produce value. The male prisoners are employed in quarrying and breaking stone, in brick-making, boot-making, making and repairing roads and bridges, printing, and, when necessary, in building additions to the prisons.

The female prisoners are employed in washing, sewing, and picking oakum.

The labor is managed by the administration, and this system is preferred to that of letting the labor to contractors, as it avoids bringing the convicts into contact with free men.

The proceeds of the labor are not reckoned generally to cover the cost of the prisons.

The health of drunkards and vagrants is generally bad; that of other prisoners good. The dietary scale is satisfactory. The clothing varies in different prisons. Ventilation, drainage, and cleanliness are good. Heating is not considered necessary. For lighting in some cases gas, and in others kerosene, is used. Sickness is infrequent, and deaths very rare; say about two per cent per annum.

Sentences less than life vary from twenty-four hours to twenty years. It

is almost impossible to give the average duration. Life-sentences have been given for rape, arson, and attempt to murder, but are not frequent. The practice of giving repeated short sentences exists, and with bad effect. One prisoner is reported to have been sentenced forty-five times. Life-sentences have hitherto always been terminated by executive clemency. There is no fixed rule, and prisoners have no claim for remission.

The death-penalty exists only for murder. Public opinion is believed to be in favor of it.

Imprisonment for debt exists only to a slight extent, and indirectly as punishment for wilful neglect of order of court. Debtors do not receive the same treatment as criminal prisoners.

Some prisoners repent of their crimes before they are convicted, and do not return after the expiration of their sentences ; but in many cases it is believed that they leave worse than when they entered, and after three or four convictions there is little chance of their reformation. General intercourse between prisoners, and the want of cellular treatment, is the usual cause of this.

Nothing is done for the aid of liberated prisoners, but they can almost always obtain immediate employment.

Witnesses in criminal cases are bound over in their own recognizances, by the committing magistrate, to appear at the supreme court. Should information be received by the police that they intend to abscond, they are arrested, and in default of sureties are committed to prison until the case shall have been disposed of. Such cases are rare.

The prevailing crimes by male prisoners are forgery and embezzlement, and the chief causes are believed to be the drinking customs of society, and in many cases freedom from parental control on arrival in the colony. A large proportion of the criminals is supplied from England. The rising generation of colonists are mostly sober and steady.

With females drunkenness and prostitution are the principal causes of imprisonment, and the same women are convicted repeatedly.

There are three Government schools, which are intended to be both preventive and reformatory, and in which the associated system is applied. The results have been, on the whole, satisfactory.

Dissatisfaction is felt at the want of one uniform system, means of classification, effective supervision, and more suitable buildings.

Criminal justice is administered according to statute and common law.

I am, Sir, with much esteem,

Your obedient servant,

JOHN SHEEHAN.

DR. E. C. WINES,  
Irvington-on-Hudson, New York.

So far the Minister of Justice.

There is one prison at least in New Zealand, perhaps more, which is more than self-supporting through the labor of the inmates, — that of Dunedin, Otago, under the governorship of my friend, Mr. James Caldwell. This gentleman has achieved a work unparalleled, I think, in the history of criminal treatment, — the removal, not by "faith" exactly, but by convict labor, of a solid



mountain "into the midst of the sea." Less than twenty years ago Bell Hill, a mighty headland, a huge mass of basaltic rock, rose higher than the steeple of St. Paul's Cathedral in London, in a part of what is now the great city of Dunedin. That proud bluff, — wild, rugged, and romantic, — where the waves of the bay sang their mournful dirges as they dashed into caves and hollows, and where children climbed and romped among trees and thickets and velvety lawns, has entirely disappeared, or rather has changed its locality, and is now seen in the form of solid acres, — scores upon scores of them, — where once the sea disported itself; those acres covered with a net-work of streets and avenues and rows of warehouses and dwellings, interspersed with magnificent churches, halls, banks, and public edifices of all sorts. The slaves of ancient Egypt reared artificial mountains in the shape of pyramids and massive tombs; Mr. Caldwell's prison gangs have removed a mountain into the sea, and converted that restless element into broad fields of *terra firma*, to be the site of a splendid city. The removal of this gigantic mass of rock, and its conversion to purposes of trade and social life form a striking commentary on what can be effected by a judicious application of prison labor. The sea reclaimed is studded with stores and commercial warehouses; the iron horse travels daily and finds a central resting-place where boats once sailed; swamps have been converted into gardens and ornamented with stately buildings, — all through the skilful and effective use of convict muscle. The work was begun by the convicts in 1863, and the finishing touch was given to it on the 24th November, 1877. It was the largest public work ever undertaken in New Zealand.

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#### CHAPTER XXXVII. — FIJI. — STRAITS SETTLEMENT.

FROM Fiji I have only the following sentence, in a letter from the colonial secretary, Mr. Alfred R. Maudslay: "I regret to inform you that the temporary nature of our prison arrangements prevents my answering the questions propounded in your circular letter."

STRAITS SETTLEMENT. — There are here two classes of prisons, criminal and civil. The criminal prison at Singapore is for convicted prisoners; the civil prisons, — of which there is one at Singapore, one at Penang, and one at Malacca, — are for persons awaiting trial and for those sentenced to simple imprisonment. Of the convicts, one hundred of the worst are confined in cells;

all others are in association. There are at present in the Singapore criminal prison four hundred and twenty-nine prisoners sentenced to imprisonment with hard labor for more than six months. In the civil prisons there are one hundred and thirty-two. The total number of prisoners of all grades is about seven hundred. Steps have been taken to construct cellular prisons. A mark-system is in use, intended to promote industry and obedience through successive advances from lower to higher grades. The total population of the colony is two hundred and twenty thousand.

The Government of the colony is the authority in control of the prisons. They are inspected from time to time by visiting justices. There is also a general superintendent who has a certain charge over all the prisons and is responsible for their proper management and condition.

The discipline is intended to be deterrent by hard labor and a rigorous enforcement of the rules; reformatory, through partial remission of sentence and class advantages for good conduct.

For European prisoners there are both Anglican and Catholic services on Sunday. Christian natives (volunteers), who speak Chinese, Tamil, and Malay, preach the gospel to such other prisoners as desire to hear it.

Not more than ten per cent of the native prisoners can read when received, and that is perhaps equal to the average of the outside population. A prison school has been established for European prisoners, and it is in contemplation to provide instruction for all long-sentence prisoners, natives as well as English.

There are but three females against an average of six hundred male prisoners, — one-half of one per cent. The census shows four men to one woman. The absence of crime among females is ascribed to the fact that they do not use intoxicating liquor.

As regards prison labor, in the first stage (six months) the prisoners break stone, with shot-drill for two hours a day. The several kinds of productive labor, besides stone-breaking, are beating cocoanut husks, rope-spinning, mat-making, chair-making, wool-picking, spinning, weaving blankets, blacksmithing, carpentry, cooperage, and tailoring. All the labor is managed by the administration. This is considered most advantageous for the proper training of the prisoners, because it excludes outside influence. At present the proceeds fall far below the expenditure; but a strong hope is felt, that, on the arrangement of a better labor system, the income will more nearly meet the cost.

The sanitary state is reported good as regards dietary, clothing, ventilation, drainage, and cleanliness. The rule is that prisoners bathe daily; the wards are well lighted with gas. Still, the average number of sick is seven per cent, and the death-rate in 1876 was eight per cent.

Sentences less than life range from one day to twenty-one years. The average of long sentences may be stated at ten years. Life-sentences are rarely passed. Life-prisoners are chiefly men in whose case a sentence of capital punishment has been commuted. The practice of giving repeated short sentences exists; the effect is to increase rather than diminish crime. It is hoped that a period will soon be fixed for life-prisoners to be brought forward individually for special consideration. Fifteen years is suggested as the minimum time.

The death-penalty still exists, but capital sentences can be given only in cases of murder. So does imprisonment for debt; but debtors are, as far as possible, kept apart from other prisoners.

The reformation of the criminal is made a primary object of the prison treatment. Prisoners who have undergone long sentences appear to be better men, more industrious, when they leave the prison than when they entered; and they rarely return to it. The proportion of recidivists is about twenty-three per cent; but they are almost exclusively confined to the short-sentence prisoners.

No prisoners' aid societies are found in the Straits Settlement.

Witnesses are occasionally detained in prison to secure their testimony.

Theft from the person and from houses is the prevailing crime. Life is frequently taken in fights between Chinese belonging to societies which are opposed to each other.

There are no juvenile reformatories in the colony.

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#### CHAPTER XXXVIII. — LABUAN.

THERE is but one prison in this colony. In 1876 the daily average of prisoners was ninety-seven, including debtors. Rather more than half the prisoners are Malays, and the rest Chinese. Occasionally there is received a native of India, very rarely indeed a European, and still more rarely a female. The Singapore convicts in 1876 numbered forty-two; and the greater part of the crimes for which they were committed were murder, robbery with violence, piracy, and coining. The Labuan convicts are chiefly sentenced for murder, burglary, and larceny; and the local prisoners for petty thefts and assaults.

The convicts are divided, according to conduct and capacity, into first, second, and third classes. From the first class are selected the mandores, or overseers, who are placed in charge of the working gangs.



All prisoners who are capable of it work outside the jail-walls, —nearly all the work of the colonial public-works department being performed by them. They make and repair roads, buildings, and drains; clear and keep down jungles; construct and keep in order public buildings; load coal; and do carpenter's and blacksmith's work. All the working gangs are in charge of convict mandores, except one supposed to include the more desperate characters; in this the mandores are supplemented by a free native overseer, or duffedar.

The prisoners earn nothing for themselves by their labor, and on leaving receive only a suit of clothes. As might be supposed from the nature of the supervision, the work of the convicts is done in a leisurely manner, and is by no means excessively hard. No penal labor by treadmill, crank, or shot-drill is in force.

The paid officers of the prison are one European jailer and two native turnkeys,—the guard inside and outside being furnished by the armed police. These officers are subject to the orders of the superintendent of prisons.

The ticket-of-leave system (conditional pardon) is in force in the case of convicts undergoing sentences of ten years and upwards. A convict sentenced for ten years may be released at the end of five years by earning 4,068 good marks; one sentenced for fifteen years may be released at the end of seven and a half years by earning 5,085; one sentenced for twenty years may be released at the end of ten years by earning 6,780; one sentenced for life may be released at the end of twelve years by earning 8,136.

Good conduct entitles a man to two marks per day, and a month's uninterrupted good conduct gains for him an additional twelve marks at the end of the month.

In 1876 the prisoners on ticket-of-leave numbered thirty-two. They obtain employment at the coal mines, the sago works, and as coolies; some have set up small shops. They are obliged to report themselves once a month at the police station of their district, or at the jail. Attempts at escape from the island are punished by forfeiture of the ticket, but the necessity for this rarely occurs.

Petty offences against prison discipline are punished by forfeiture of good-conduct marks, confinement in a solitary cell on half diet, imposition of irons, and in the case of first and second class convicts, by degradation to a lower class in addition.

With the exception of offenders under sentences of three months' imprisonment and less, all prisoners on first entering the jails are put into irons,—local prisoners into light and convicts into heavy irons, the former consisting of two rings round the ankles connected by a long-link chain which is fastened up by the centre to the waist, and weighing with the ankle-rings

about four and one half pounds ; while in the latter the chain is replaced by two iron bars which reach up to the fork, where they are connected by a ring, and are fastened up to the waist. These weigh with the ring four and one-half pounds.

Convicts in the second and first classes are not required to wear chains ; in other cases also the superintendent is at liberty to use his discretion in removing or keeping them on.

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#### CHAPTER XXXIX.—NEW SOUTH WALES.

THE prison system practised in this colony is that known under the several designations of the Crofton, or Maconochie-Crofton, or more commonly perhaps the Irish, system. The total number of prisons is thirty-seven ; the daily average of prisoners, fourteen hundred and fifty-three ; and the number of classes four, numbered first, second, third, and fourth.

The administration of the system is centralized in the hands of a comptroller-general of prisons, who exercises his functions subject to the authority of the colonial secretary, who is generally the prime-minister of the colony.

The superior officers are nominated by the colonial secretary and appointed by the governor and executive council, but in practice they are raised to their positions by promotion on the recommendation of the comptroller-general, who appoints the general body. It cannot be said that political influence has much to do with the appointments. The qualifications are education, intelligence, steadiness, and good temper. In the main body former service, as of soldiers or policemen, is in some degree preferred. Special schools for training do not exist ; there can be no doubt that such schools would largely promote efficiency in the service.

The discipline is both deterrent and reformatory, — the first by strict conditions, especially in the earlier periods of the sentence ; the second by religious and other ministrations, libraries, encouragement, and recognition of efforts for self-government. Hope is planted and kept in active force by the expectation through his own conduct and industry of earning present small advantage, and future diminution of sentence, and by becoming through habit and learning in some handicraft capable of earning an honest livelihood on discharge. Punishment and reward, fear and hope, are all relied upon ; as the present system of discipline has advanced, reward and hope have been thought the more efficacious. The punishments consist of those most ordinarily in use, — solitary cell, dark cell, in extreme cases flogging, loss of re-

mission, and other disabilities; they have not of late years been frequently or largely needed, and have generally fulfilled their objects. The rewards are promotion from class to class, with extra allowances and small considerations, and remission on an established scale. They have been found to be good in their effects, encouraging reformation and softening the criminal character.

Chaplains are appointed for religious and moral instruction. Volunteer visitors, as assisting the chaplains and with their concurrence, are permitted, but Sunday-schools have not been sought to be established. Correspondence with and visits of relatives and friends are allowed under certain restrictions. The moral effect is good, in respect of the better classes of prisoners especially, and they have the balance of good even in the other classes.

The education of the prisoners on committal is much the same as that of the classes of society from which they come. In prison they have regular school instruction and the use of libraries.

The sexes are divided in the proportion of one woman to ten men.

All labor is industrial, that principle being preferred; but much of it is hard, as stone-cutting and the like, to which at certain periods of the sentences, when available, prisoners are restricted. Apart from the harder labor of stone-cutting and breaking, the prisoners are employed as blacksmiths, carpenters, tailors, shoemakers, mat-makers, painters, tinsmiths, brush-makers, bookbinders, etc. The labor is managed by the administration. This is preferred to the contract system, because the opinion of the authorities, supported by information where the latter has been tried, leads to the conclusion that any pecuniary advantage in its operation is more than counterbalanced by injury to discipline and the primary objects of imprisonment. The value of labor exclusive of that for prison services is but little over one-fourth of the cost of the establishment; but the country is young, of immense extent, and there are widely situated small prisons, necessarily costly, and in which it is impossible to make labor in any way remunerative.

The sanitary state of the prisons is in the main good. The drainage is sufficient where no special difficulties exist. No heating is required in this climate; lighting is by gas in the neighborhood of the larger towns, by kerosene elsewhere. The dietary is regulated by the length of sentence. Cleanliness is enforced by frequent ablutions and change of clothing of prisoners, and scouring and whitewashing the prisons. Sickness varies considerably according to different seasons and localities, the death-rate averaging slightly under three per cent.

Excepting for petty offences, sentences are from six months to thirty years. The actual imprisonment is from five-sixths to



three-fourths of the term of sentence. Existing laws necessitate the practice of giving repeated short sentences for minor offences. It does not effectively tend to the diminution of crime. Life-sentences are usually terminated by executive intervention. In such cases the Government is not guided by any fixed rule. Seldom less than twelve years is served of such sentences.

The death-penalty exists, and is still applied for murder, wounding with intent to murder, rape, sodomy, and some other crimes, but is not frequently carried into effect, excepting for murder. The state of public opinion is against its abolition.

Imprisonment for debt only exists until the provisions of the insolvency laws can be resorted to, or in cases of contempt of an order of court. The prevailing opinion tends to abating even this extent of imprisonment, but has yet no practical force.

The reformation of criminals is an object which goes hand in hand with deterrence, and is in some degree more relied on. Many prisoners leave the prisons either reformed or so averse to encountering again the deterrent treatment that they pursue honest callings; but this is far from being the case with all.

Liberated prisoners receive from the department assistance in clothing, money, and transit to search for employment. An aid society has recently been formed, but has not had time to make much progress. The society is supported by the public, but has the co-operation of the department.

Witnesses in criminal cases are not detained in prison, but bound over in their own recognizance to appear at the trial.

The prevailing character of crime, as distinguished from the ordinary crimes of civilized communities, is that of the stealing of horses and horned cattle, — to which temptation and facilities contribute by reason of the wide extent of the pastoral territory.

Industrial schools for boys and girls have been established, and a reformatory school for girls, while one for boys is about to be formed. A marked distinction is kept between the two kinds of school.

The colony is progressing towards a more satisfactory state of things. It has been kept back by insufficiency of building accommodation, insufficient development of reformatory schools, and the want of a public-works prison for longer-sentenced prisoners on the English model, the building of which has now been commenced.

What chiefly differentiates South Australia from other British communities as respects crime is its great extent of territory and the consequent facilities for the special crimes of horse and cattle stealing, attended by a greater strain and cost upon both the police and prison services. The police, a highly efficient though comparatively small force in view of the immense space it covers, is quite abreast of crime. The population, — numbering by com-

putation in 1875 six hundred and twenty-nine thousand, seven hundred and seventy-six, — is as a whole prosperous, orderly, and industrious. The native-born are exceptionally free from the vice of drinking, which is not more pronounced in this colony than in an average Anglo-Saxon community.

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## CHAPTER XL. — SOUTH AUSTRALIA.

THE only prison in this colony for the reception of male convicts under sentence for more than six months is at Yatala, eight miles from Adelaide, the capital, on a high rocky situation near the sea, in a reserve of two hundred and fifty acres. The system is that of associated work by day and separation at night. This prison is called the "Dry-Creek Labor Prison," and sometimes the "Stockade." Besides Yatala prison there are seven others, — a general prison at Adelaide, and six local jails. These last are mostly used as places of detention for prisoners awaiting trial and for others convicted of trivial offences; while in the Adelaide jails are confined females, offenders against police and municipal laws, sailors, etc.

The authority in direct charge of the jails is the comptroller-general of prisons; but this officer is responsible to the head of the Government in all matters pertaining to them.

The officers are appointed by the governor and executive council; they hold their post during good behavior; political influence has nothing to do with their appointment. The minor officers are appointed by the comptroller, under the sanction of the chief secretary, and hold office during pleasure. The qualifications required for subordinate officers are general good character, sobriety, and a moderate elementary education. There are no schools for the training of prison officials.

The discipline adopted in South Australia is mainly intended to be deterrent, but reformatory also so far as the special circumstances of each case may render it possible. The agencies employed are the disciplinary penalties and the exhortations of the religious instructors. Hope is planted in the minds of the prisoners by the terms of the law, which provides that by systematic industry and good conduct they may shorten their sentences to the extent of one-third. It is maintained in active force by the knowledge that misconduct, besides being visited with a special penalty, may entail the loss of all the credit-time earned by previous good behavior and industry.

The moral and religious agencies employed are to be found in

the services of recognized ministers of religion of different denominations, who are paid for their services. No volunteer visitors of this class are permitted to attend the prison. The knowledge that misconduct will deprive the prisoner of his privilege of seeing and writing to his friends has a considerable effect in promoting good conduct.

In the year 1875 there were sixty-six criminals convicted, out of whom fifty-one could read and write, six could read only, and nine could neither read nor write. This is a fair average proportion. There is a school in the prison, held in the evening from six to eight P.M., in which instruction is given to those who require it by a paid teacher unconnected with the establishment. There is a library of useful moral and religious works, which are issued as required to the good-conduct men. The prisoners are not permitted to see newspapers.

The proportion of female prisoners is about one in four to that of males.

There is no technical "penal" labor; it is all industrial, so that every prisoner who works contributes something to his own support. The kinds of labor enforced are quarrying and breaking stone for road and building purposes, the manufacture of boots, tarpaulins, and bags, picking oakum, carpentering, smith's work, painting, the manufacture of olive oil, and all necessary employment about the jails, such as cooking, washing, etc. The whole of the labor is managed by the administration, and its value as received is paid into the general revenue. The prisoners are not allowed to be connected with or have access to any one beyond the precincts of the prison. The proceeds of prison labor in South Australia amount to more than one-half the cost of the prisons. The railways and other branches of the government service gain considerably in an indirect way from the labor of the prisoners, but that gain is not taken into account in estimating the actual value returned to the revenue.

The sanitary state of the prisons appears to be good; the death-rate is less than two per cent.

Sentences for grave offences range from nine months to life. By good conduct and industry a prisoner may shorten his sentence one-third. Life-sentences are generally commuted after a term of years varying from ten to twenty, according to the circumstances of each particular case.

The death-penalty is not inflicted in this colony except for wilful murder. In ten years there have been five executions, — the subject of one being an aboriginal native. The punishment of death has no apparent effect on the amount of crime, as it has seldom been traceable to the class of habitual criminals. Public feeling is divided upon the subject of the infliction of this penalty.

Imprisonment for debt exists to a very limited extent. A per-



son being arrested for debt, or committed from an inferior court for non-payment of a debt when ordered by that court, becomes insolvent if he remains in prison for ten days, when he can procure his discharge *in forma pauperis* by means of the court of insolvency. Imprisoned debtors are simply detained, and are not subject to prison discipline. The law has been brought to its present state in deference to the public feeling expressed on the subject a few years ago. The judge of the insolvency court has the power of committing an insolvent debtor to prison for two years, for fraud upon his creditors and other misdemeanors recited in the insolvent Act. While under such a sentence the prisoner is not subject to penal discipline.

Nothing is done to save liberated prisoners from a return to crime. So long as they remain in the province they are nominally kept in view by the police. On being released, the prisoners receive sums of money to the extent of £2, with a suit of clothes, if required; and in some cases a passage to their homes, if they are at a considerable distance from Adelaide. There is a sort of prisoners' aid society in existence, but its organization and proceedings are quite private. There is no means of knowing how the liberated prisoners work, or with what results, unless they should happen to be reconvicted, when their intermediate history is tolerably well traced out. Societies for the relief of discharged convicts are scarcely felt to be necessary, as no difficulty need be experienced in finding work.

Witnesses are required to enter into bonds to appear and give evidence at the time of trial. In the event of their non-appearance, their bonds are forfeited. The courts have power to commit witnesses to prison pending the trial, should there be reasonable ground for believing that they will cause the ends of justice to be defeated by absconding. No instance is remembered in which that power has been exercised in this colony.

Offences against property are most prevalent. They are very frequently attributable to speculations entered into by persons in positions of trust, who have insufficient or no means of their own. Drunkenness also is a fertile cause of crime, although it is impossible to fix a ratio of cases which are directly attributable to it. A large portion of the offences against the person are due to this vice.

In concluding his communication, Mr. Hinde, deputy-comptroller of labor prisons, remarks:—

“The criminal question has not yet assumed a sufficient magnitude, nor have the results of the existing system of discipline been so disappointing, as to require any serious reconsideration at present. The general prosperity of the country, and the advantages in social position and means which are accessible to the honest and industrious, seem to provide a very

effectual safeguard against any rapid or alarming increase in crime. Although the discipline adopted in the Yatala labor prison is strict and exact, it is neither cruel, oppressive, nor unjust, yet it has in itself a reputation which acts strongly as a deterrent. The discipline in force there is not different from that enforced in the Adelaide jail, in the cases of prisoners specially ordered to be incarcerated there. There does exist, however, wholesome horror of the 'Stockade' in the public mind, which certainly has a beneficial effect in restraining crime. The female prisoners are specially detained in the Adelaide jail; and although the labor they are required to perform necessarily differs from that exacted from the males, the principle of action is the same, as both establishments are under one head. Women, of course, are not subject to corporal punishment."

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#### CHAPTER XLI. — VICTORIA.

AN excellent prison system is in force in this colony, — the Maconochie-Crofton, or so-called Irish, system having apparently been introduced there in its entirety. The whole number of prisons in the colony is thirty-one, — one convict prison, ten borough and county jails, and twenty police jails or lock-ups. The convict penal establishment is at Pentridge, six miles from the capital city, Melbourne. It is for males only, the women sentenced to penal servitude being confined in the Melbourne borough jail. The first portion of the sentence is spent in entire isolation, as at Mountjoy, Dublin. In the subsequent stages separation is kept up at night, but the labor is done in association. There are six hundred and nine cells, all lighted by gas, and all comfortably, though of course not luxuriously, furnished. They are of two sizes, — the one class for occupancy night and day, the other for night occupancy only. In both cases they are sufficiently capacious.

The higher officers are appointed by the governor in council, on the recommendation of the inspector-general. Their tenure of office is during good behavior; and on their retirement from active service they receive a yearly pension.

Inspection by the inspector-general and the visiting justices is frequent and efficient.

The prisoners are stimulated to industry and good conduct by remission of a part of their sentence, and by money gratuities during the latter portion of their terms. There are six classes: first, separate confinement; second, third, fourth (associated labor, but separation at night), fifth, and sixth — forming an intermediate stage — labor on public works, where they get a ration of tobacco, tea, and sugar, together with an increase of personal

liberty. Prisoners in the fourth, fifth, and sixth classes for every nine marks earned daily receive severally gratuities of a penny, twopence, and fourpence; such allowances accumulating, and being paid to the prisoner on discharge. The intermediate stage, embracing the fifth and sixth classes, is passed in a different establishment at Williamstown, four miles from Melbourne. After a careful examination of the system of prison discipline as carried into effect at Pentridge and Williamstown in 1873, Miss Florence Davenport Hill, daughter of the late distinguished Matthew Davenport Hill, says of it: "The system appeared to me, both in theory and practice, worthy of comparison even with that established by Sir Walter Crofton, as I saw it in operation in Ireland in 1857." She adds, — which is but a fitting compliment to the able inspector-general of penal establishments for the colony of Victoria, — "Its introduction and successful application are, I believe, largely due to the enlightened zeal of Mr. Duncan." Nor must the meed of praise in this connection be withheld from Mr. David Blair of Melbourne, — whom, as well as Mr. Duncan, I have the honor to count among the number of my personal friends, — who took an active, honorable, and efficient part in the initiative of this great and successful enterprise.

The punishments are solitary confinement and extension of the term of servitude. Corporal punishment is never used. The prisoners do not wear a parti-colored dress. It is believed there — and rightly, as I think — that such dress only degrades a prisoner.

There are four chaplains at Pentridge, — Church of England, Wesleyan, Presbyterian, and Catholic. Each holds one service every Sunday for the prisoners of his faith. The chaplains perform pastoral duties during the week by visiting the prisoners personally in the cells and in hospital. There are no volunteer visitors.

About ten per cent. of the prisoners are found to be illiterate on entrance. There is a prison school, which the convicts attend one hour daily. Here they are taught reading, writing, and arithmetic; and facilities are also afforded for the study of geography, grammar, and elementary mathematics. Fair progress is made. Each prison, except the lock-ups, has a good library. They have about an hour and a half daily, besides Saturday afternoons and Sundays, for reading.

The sanitary condition of the prison is reported as satisfactory; but the death-rate appears too high, — about five per cent.

There is no strictly "penal" labor; all is productive. The contract system is not in use; it is not approved: the administration directs the labor. The trades are those of shoemakers, tailors, carpenters, blacksmiths, tinsmiths, masons, weavers, mat-makers, bookbinders, moulders, painters, plumbers, basket-makers, tanners,



curriers, and bakers. Other labor is quarrying, gardening, cabbage-tree hat-making, stone-breaking, cocoa-husk beating, etc. A few are occasionally employed outside the walls in carting brick, loam, and sand; in repairing roads and paths; and in gathering willows, which grow in a field belonging to the prison.

Miss Hill states that in 1872 the cash earnings of the prisoners at Pentridge amounted to £6,644, while the total value of their labor (most of it performed on government works) was estimated at £19,212, — the average number of prisoners being 704, which would make the value of the labor of each prisoner a little over twenty-seven pounds per annum. The total cost for the year was £30,179; so that the labor of the convicts met, within a small fraction, two thirds of the cost, including current expenditures, salaries of officers, and interest on the property of the establishment. Of course it must have more than met the first of these items.

Miss Hill found the bearing of the officers towards the prisoners kindly, while the manner of the prisoners towards the officers was thoroughly respectful, but without servility. They worked with a will, and their aspect generally was favorable.

The hospital wards Miss Hill found clean, airy, and cheerful. Connected with them is a large verandah for the use of the patients, commanding a fine view. Absence from work entails loss of labor-marks, though not necessarily those for good conduct. The consequence is that there is very little malingering.

The under-officers have a pleasant sitting-room, in which stands a beautiful piece of sculpture, the work of an ex-prisoner. There is a good library for their special use.

There are, as before stated, ten borough and county jails in charge of the penal department of the colony, and some twenty smaller jails in charge of the police. Prisoners sentenced to an imprisonment of a few days only are kept in the police jails, while long-sentence prisoners, as a rule, are not detained in the borough and county jails, but are sent to the convict establishment at Pentridge. The aggregate accommodation in the borough, county, and police jails is for 1,425 prisoners.

Excluding the police prisons, and referring only to the other two classes mentioned in the last sentence, nearly one half the prisoners sentenced to them are for terms less than a month; about one third are sentenced for periods less than six months; the small remainder, for six months and over.

In some only of these prisons there is complete separation by night; in none, by day. The prisoners work in association. There is no "penal" labor in the technical sense. The average annual net earnings *per capita* of the prisoners, exclusive of any portion allowed to the prisoner himself, is about eighteen pounds. The chief kinds of work are stone-breaking and road-making.

The high average of earnings is due to there being public works in the vicinity of the jails, on which the prisoners are employed.

The prevailing diseases in these prisons are those resulting from previous intemperate habits. The average death-rate for the last five years has been two and three-quarters per cent; considerably less, therefore, than in the convict prison.

The inspection by visiting justices and the inspector-general is constant and thorough.

To go back now to the convict establishment, the number of life-sentenced prisoners is about four per cent of the whole prison population, — some twenty-five to thirty, therefore, in all. In the case of such, a novel and considerate arrangement — one that deserves to be applauded, in my opinion — has been made. The period to be served is assimilated to the value of the prisoner's life at the time of conviction, as ascertained by life-insurance tables; with the still further limitation to his advantage, that, no matter how long, according to the tables, a prisoner's term might have to run, he may be released after serving twenty years with good conduct. Moreover, the mark-system is applied to the terms thus ascertained, opening the road to a further material reduction, — which supplies another stimulus, and a very strong one, to industry, obedience, and general good conduct. This regulation has had a tranquillizing as well as stimulating effect on the minds of the class of prisoners affected by it.

The death-penalty still exists. It is inflicted not only in cases of wilful murder, but also for attempts to kill; for arson endangering life; for wrecking a ship with danger to life; for rape or other sexual offences with violence; and for robbery or burglary, accompanied by wounding.

Imprisonment for debt does not exist in the colony.

Reformation is aimed at in the treatment of prisoners, and it is believed that many of those subjected to the operation of the penal system are improved thereby. A discharged prisoner's aid society was established in 1873, supported in part by the State, but chiefly by private benevolence. Public sentiment strongly favors such efforts. As evidence of the benefit derived from penal treatment, supplemented by the action of the aid society, the number of prisoners during the last five years, particularly those committed for serious offences, has sensibly diminished, notwithstanding the population of the colony has within the same period considerably increased.

Witnesses in criminal cases are not required to find bail for their appearance at the trial, but are simply called upon to enter into their recognizances to that effect. Should they refuse to do so, — and of such refusal it is safe to presume there is not an instance on record, — they may be committed to jail.

There are three reformatories in Victoria. Two of them are

wholly supported by the State, and one partly by public funds and partly by private contributions. As far as practicable the parents of the inmates are made to pay, but only eleven shillings per annum is received from this source. The ordinary kinds of work in the reformatories are, for boys, tailoring, shoe-making, carpentering, sail-making, and learning practical seamanship; for girls, general housework and needle-work.

The children who have been discharged as reformed, when placed with employers, are considered still under the care of the institution; so that they can be returned to it, if not doing well. When discharged to parents, they are no longer subject to the institution, but have passed wholly beyond its control.

Children are admissible over eight and under fifteen.

Prizes are given for school-work, and early discharge to service is granted for good conduct. Boys with good-conduct badges are selected as captains of messes, monitors, etc. The effect of such possible promotion is good. The punishments are extra drill, diminished food, and bodily inflictions, not exceeding twelve stripes. The conduct of the children while in the institution is recorded, and afterwards, so long as they can be traced.

About thirty-three per cent of the inmates are orphans.

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## CHAPTER XLII. — QUEENSLAND. — TASMANIA. — WESTERN AUSTRALIA. — HONG KONG.<sup>1</sup>

QUEENSLAND has a central prison at Brisbane, the capital; district prisons at Rockhampton and Toowoomba; a convict hulk at Moreton Bay; and thirty-four lock-ups, one of which is twelve hundred miles from the capital!

The colonial secretary is responsible for the proper management of the prisons. Subject to his supervision, the control is with the sheriffs.

The prison at Brisbane is good and sufficient, the district prisons too small. At Brisbane there is complete separation at night, but the labor is performed in association. In the district prisons no separation is possible. There is a prison school at Brisbane, but none in the other prisons. Everywhere the dietaries are reported as too high, the hours for sleep too many, the hours for labor too few, and nowhere is there any system of gradations or remissions.

<sup>1</sup> For what I am able to say of these colonies I am indebted to the Parliamentary Blue Book "Digest of Information respecting Prisons in the Colonies," as no reports were furnished by these colonies in reply to the circular letter addressed to them.



The prison at Rockhampton is defective in many respects ; a new and better one is promised.

Sentences of flogging for offences committed outside the prison are legal, but are never given.

TASMANIA. — Penal and penitentiary matters in this colony appear to have been in a bad way at the date of the "Digest." There is a convict establishment at Port Arthur, a house of correction and detention prison for males, and a house of correction for females at Hobart Town ; also a house of correction and detention prison for females, and a house of correction for males at Launceston. Extremely diminutive cells and too few of them, structure and arrangements "very bad," no separation, no schooling, no system of marks or gratuities, dietary too high, "each resident officer allowed a prisoner for a servant," no periodical reports made to the governor, enormous proportion of recidivists (90 in the 100 being reconvictions in one prison, and only two in another *not* on reconviction for three prior offences), very inefficient inspection, defective drainage, bad ventilation, great overcrowding, profits of labor steadily and rapidly falling, etc., — these are points in the picture as drawn by the "Blue Book." It is hardly necessary to go into particulars. Miss Rosamond Hill reports the two prisons visited by her at Hobart Town as scrupulously clean. Despite these grave defects, one advanced principle of prison discipline finds place in the penal administration of this colony. There is a scale of abridgments of sentence for industry with good conduct.

WESTERN AUSTRALIA. — Criminal justice seems to be administered in this colony in a vigorous though rather rude and primitive way. Flogging may be inflicted on white persons for offences committed outside the prisons, and two instances are reported in which a hundred lashes have been given for assault and robbery. With regard to aborigines, two justices (one of them being a guardian or sub-guardian of natives), or the resident magistrate, may try natives summarily, and give two dozen lashes either with or instead of imprisonment for six months for any misdemeanor or felony, except for either of the four following grave crimes : murder, dangerously wounding with intent to kill, arson causing peril to human life, and rape. The flogging must be in the presence of one of the convicting justices, or of a guardian or sub-guardian.

Under this system but few prisons seem to be needed ; and in point of fact there are but two besides some dozen lock-ups, — a convict establishment at Freemantle, and one local prison and house of detention at Perth. This last is used only for women, for untried prisoners, and for criminals condemned to

death and awaiting execution. Of it the "Digest of Information" says: "No bath or lavatory. Cells too small. No separation except of the sexes. No periodical reports are furnished to the governor." Of the convict prison at Freemantle the information given is, "Cells too small, especially the solitary cells. The death-rate was very high in 1864, fourfold that of previous years, and no explanation is given. The number of warders is insufficient."

HONG KONG. — In this colony there is a general prison at Victoria, a convict hulk at Stonecutters' Island, a juvenile reformatory, and a lock-up. These prisons in a manner serve for the whole coast of China, owing to the inability or unwillingness of the Chinese Government to control its own subjects or repress crimes of violence, such as piracy, within its proper jurisdiction.

The Victoria prison is used for all classes of criminals, and serves at the same time as a temporary refuge for destitute persons waiting to be passed on to other colonies. It is a large prison with a daily average of four hundred to five hundred inmates. The sanitary arrangements are reported as good, except that the cells are somewhat too small, and are insufficient in number. European prisoners are separated at night, but Asiatics sleep in associated wards, only they are separated into groups according to their nationalities. There is no technically "penal" labor, and no schooling. Reformation is not attempted except through a limited system of remissions and rewards, concerning which no particulars are given.

The convict hulk is a miserable makeshift, to be further used only pending the completion of a new prison. It has on an average some two hundred and fifty prisoners. It is for criminals sentenced to more than two years' penal servitude. In the wards on the main and lower decks the beds touch, and cubic space *per capita* appears to be less than seventy feet. The mortality on the average number of inmates, in 1863, exceeded fifteen per cent. But it is to be hoped that this inhumanity has long since come to an end in consequence of the completion and occupancy of the new prison.

No information whatever is given respecting the juvenile reformatory.

## PART THIRD.

## EAST INDIAN EMPIRE.

CHAPTER XLIII. — GROWTH OF THE PRISON SYSTEM IN INDIA. —  
LORD MACAULAY'S COMMITTEE OF INQUIRY IN 1836.

THE British East Indian Empire consists of three presidencies and several provinces, and is of vast territorial extent, with a population of nearly two hundred millions.

The prison system of India, like British rule itself in that country, has grown up by degrees, until, as the empire was consolidated and order introduced into all departments of the Government, the treatment of criminals took its place among the recognized branches of the judicial administration. It was not, however, till 1836 that public attention was strongly drawn to the question by the late Lord Macaulay, then law member of the supreme council of India. The murder of the governor of the most important prison in India was the immediate moving cause of the broad and exhaustive inquiry which was at once set on foot. The evidence then collected showed that prison discipline had at that time only reached the stage of development in which considerable attention is given to the physical condition of the inmates of prisons, — cleanliness, health, food, clothing, labor, etc., — but not much to moral relations and agencies.

Enough was elicited by that inquiry to prove the necessity of a thorough reform of the penitentiary administration. The chief improvements suggested by Lord Macaulay's committee were the abolition of out-door labor, the general introduction of indoor work, the inauguration of the separate system, the better classification of convicts, the careful separation of untried prisoners, the institution of central or convict prisons; and the regulation of the prison system generally by the employment of inspectors of prisons whose whole time should be devoted to the work.

Of these recommendations the last was the only one carried into full effect. An inspector was first appointed in the Agra division of the Bengal presidency. This gentleman, — a member of the civil service, earnestly devoted to the work, desirous of discharging his duty efficiently, and possessed of exceptional capacity for the task intrusted to him, — effected considerable reforms, but lamented, at the close of his career, the little he was able to



do, in consequence of the half-hearted support he had received from the Government.

The first prison-inspector in Lower Bengal was appointed in 1853. He also was a member of the civil service, who handed over the department to Dr. Mouat in 1855, with a note to the effect that it was a mass of disorder, irregularity, want of system, and abuse, — the greater part of which he had not attempted to correct, as he considered any real reform to be impracticable with the existing construction of the prisons and the agency employed in their management.

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#### CHAPTER XLIV. — A SECOND COMMISSION IN 1864, AND A THIRD IN 1877.

IN 1864 a second commission was appointed to reconsider the whole question, on the ground that the full measure of improvement contemplated, and to which the Government was pledged, had never been carried out. The recommendations of this commission referred to juvenile delinquents and reformatories; female prisoners and their treatment; the non-deterrent nature of the existing system, as indicated by the large number of reconvictions; the shortness of sentences, as tending to nullify their effects; the want of settled principles of jail management; the necessity of a graduated system of labor, punishment, and reward; the massing together of criminals in central prisons; the applicability of the ticket-of-leave system to India; the removal of the causes of the great sickness and mortality; the education of prisoners; prison statistics.

The recommendations of this commission are supposed to be the basis of the existing prison system of India; but as they are all largely dependent on financial considerations, few of them have been carried into full effect, the financial question being the *crux terribilis* of East-Indian prison reform.

The latest general committee, or "conference" as it was called, on prisons and convict treatment in India, was summoned by the imperial government for 1877. It was composed of representatives, all of whom were experts, from all the presidencies and provinces of the empire. The conference opened its sessions on the tenth day of January, 1877, and concluded its labors on the seventh day of March ensuing. Its studies and conclusions extended over the whole field of prison discipline and administration. Its proceedings have been printed in a folio volume of moderate thickness, which now lies before me. Its various recommendations are doubtless still under consideration by

the Government. So far as they may receive the approval of the Government, they will in all probability be embodied in a new prison Act, applicable to the whole of India; and the existing jail manuals will be recast on one common model.

There is urgent need of such an Act, for very little special legislation has been devoted to prisons or prison systems in India. Rules to regulate prisons were from time to time made by the supreme council and the highest courts of judicature, usually without any direct sanction of law. The various prison Acts which have been passed are incomplete and imperfect, and nowhere lay down great leading principles of prison discipline. One of these Acts, however, which was passed in 1834, contained an important provision abolishing corporal punishment, substituting fine in certain cases for labor (a mischievous measure now repealed), and arming the Government with authority to introduce gradually a better system of prison discipline, "calculated both to reform the convict, and, as an example to others, to deter from crime." This Act was in force when the prison inquiry of 1836 took place; but, except in its worst feature, it was a dead letter.

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#### CHAPTER XLV.—JAIL CODE OF BENGAL.

**N**EARLY every presidency and province of India now has its jail code drawn up under the sanction of the prison Acts. That of Bengal was compiled by Dr. Mouat, in 1863-64, and, after being subjected to the scrutiny of two special committees and the Government, was introduced in the latter year. It borrowed freely from all the existing European and Indian rules, and was advisedly framed considerably in advance of the then existing means of giving complete effect to its provisions, in the hope and belief that the Government would gradually afford the agency and appliances necessary for its ultimate full introduction.

It defined in considerable detail the duties, responsibilities, and powers of all classes of prison officers; contained provisions for the classification and punishment of all classes of offenders, their management in sickness and in health, their food, clothing, work, instruction,—in fact, every detail of discipline during their residence in jail, their transfer from one prison to another, their discharge, and the execution of capital sentences.

It contains sections specially devoted to rewards for well-conducted prisoners, and rules for the introduction of a system of intermediate imprisonment in Lower Bengal. The former continue in force; the latter have been repealed for reasons un-

known to Dr. Mouat. Considering the insufficient machinery allowed, they worked fairly well during his incumbency.

The questions of intermediate imprisonment and ticket-of-leave were considered by the Calcutta prison conference of 1877. They elicited not only large debate, but considerable diversity of views ; but, in the end, the majority declared against both measures on five several grounds, a recital of which would fill more space than can well be afforded for the purpose.

Since these rules were framed, the Government of India has introduced a system of remission of sentence as the reward of good conduct in jail. Sufficient time has not yet elapsed to show their working. They were introduced by the late Lord Mayo, and were based chiefly on his knowledge and experience of what is known as the Irish system.

CHAPTER XLVI. — POLICE. — CRIMINAL COURTS. — REPORTS. — PRISON POPULATION. — BUILDINGS. — ADMINISTRATION. — EMPLOYÉS. — COST. — DEFECTIVE ORGANIZATION.

**B** RITISH INDIA is well supplied with police agencies to detect crime and to bring criminals to the bar of justice, and with judicial courts of all grades and kinds up to high courts of justice and appeal for the trial and sentencing of offenders. All these courts and police agencies submit annual reports of their proceedings to the authority to which each is immediately subordinate. An abstract of these is recorded in the statement submitted to the home government from all the presidencies and provinces of India ; and by the secretary of state for India these reports are again condensed and presented annually to the British parliament in the form of a statement of the moral and material progress during the year. It is to be regretted that this important State paper is not intrusted to more skilled hands, or drawn up with the care and precision necessary in the only public statement regarding the Indian Empire which is popularly known in England.

In the chapter devoted to justice and police in the last published report, that of 1876-77, this vast subject is discussed in a few pages, from which it is impossible to glean a connected or intelligible view of the question.

We have waded in vain through the latest special administrative reports of prisons, some of them drawn up with considerable ability, to ascertain the exact number of prisons and prisoners in



the Indian Empire, the special peculiarities of each, and the nature of the discipline which now prevails.

There is probably a daily average of between sixty thousand and seventy thousand prisoners in the Indian jails, exclusive of some eight thousand in the great convict settlement of Port Blair in the Andaman Islands.

For the accommodation of these prisoners there appear to be some two hundred and thirty jails, and an indefinite but much larger number of lock-ups for prisoners under one month of sentence, at small out-stations. These numbers are however but approximate, as the exact figures are not procurable in the published records.

Of the above prisons two are entirely cellular,—one at Hayarabagh in Bengal, the other at Ootacamund in the Madras presidency. Both are for Europeans under sentences of penal servitude. The remainder are built on every conceivable plan, some partially radiating, a few of brick masonry, and not a few miserable mud structures, affording little security and no means of classifying or employing prisoners properly; hence, fetters and other means of procuring artificial security are too much employed, in contravention of the laws on the subject.

Miss Carpenter speaks in strong terms of the unsuitableness of nearly all prison structures in India for the purposes of prison discipline. Rarely, if ever, is any jail building to be seen where those great principles of convict treatment now generally accepted as vital to the well-being of society can be carried into effect.

All the prisons provide for the separation by day and by night of male and female prisoners, as also for a certain rough classification according to the term of imprisonment or the sentence. Nearly all labor is in association, except for disciplinary punishment in cells, the cases of which are not, however, very numerous in proportion to the prison population.

In some parts of India the prisons are in the executive charge of medical, in others of judicial, officers. The central prisons have each a special superintendent, usually a medical officer. These are about twenty in number, and are intended for prisoners sentenced to rigorous imprisonment for a year and upward.

There are but few prisons exclusively appropriated to the custody of female prisoners. The chief of them is in the neighborhood of Alipore, near Calcutta, for the detention and punishment of life-prisoners, or of females sentenced for very long periods. Many of these are now sent to the Andaman Islands to intermarry with male convicts of the same classes, and to form the nucleus of a future free population.

Female warders are now employed in some of the prisons, and women are as much trained to industrial occupations as men. Their lot as a rule is far more sad, for the serious crimes com-

mitted by many of them, particularly that of murder, are, or used to be, committed when they were as a rule too young to be fully aware of the enormity of the act,—usually perpetrated under the influence of others.

Miss Carpenter, in a letter of “suggestions” to the Viceroy of India, notices that in all the jails she visited, except in Calcutta, the females occupied a portion of the ordinary jails for men, and were under the care of male warders. Their work, she says, was not of a nature to improve them; no instruction was given them, and no lady visitors ever went near them.

With the exception of the medical subordinates, who are a special class, the ministerial agents of Indian prisons are picked up wherever they can be found, have no special training, and are usually corrupt and underpaid. No proper attempt is made to remedy these evils. The best and most efficient, with occasional exceptions, are discharged or pensioned European soldiers of good character. Among educated natives admirable men are, however, sometimes found.

The cost of prisoners in India is low, compared with that of maintaining them in Great Britain. All being under the control of the State, however, and the revenues of India falling short of her expenditure, economy in prisons is carried to a pitch detrimental to efficiency; hence, a thorough system of prison discipline is for the most part impracticable on financial grounds. There is no sound reason for this, for if the prisons were made self-supporting, as it is said they might easily be by a properly regulated plan of remunerative industry, not only would they entail no cost upon the State, but they could earn the means of rendering every prison perfectly secure; and by thus increasing the severity of incarcerations render imprisonment greatly more deterrent than it is at present, enable the courts to diminish the duration of sentences, and thus secure economy in a direction in which it could not prove detrimental.

This has repeatedly been urged upon the Government by some of the most experienced and efficient prison officers in India, but in vain, as their published reports show. The officers administering the various local governments are armed practically with uncontrolled powers of changing the details of prison management in their several provinces; and as these officers are changed every five years, and there is no enlightened public opinion in India to correct and check them, empirical views of prison discipline are too often indulged in.

In most Indian jails, prisoners awaiting trial, civil debtors, revenue defaulters, and criminal prisoners are in separate compartments. There is also special accommodation for the sick and for women, and, in a few prisons, for children.

All classes of prisoners waiting trial are associated together,—

a proceeding which was strongly condemned by Lord Macaulay's committee in 1836, on grounds of humanity and general policy, which are as valid now as they were then.

No efficient general measures of prison reform will be possible until all the prisons are rendered secure by proper construction.

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#### CHAPTER XLVII. — PRISON STATISTICS. — PRISON LABOR.

PRISON statistics are collected with considerable care and on a uniform basis, and if proper abstracts of them were made in the "Indian Administrative Reports," a large amount of light would be thrown upon the state of civilization of every part of the Eastern Empire of Great Britain. It would be vain to attempt to abstract them for so condensed a view of the prison system of India as this sketch must of necessity present. The heads of information which are imperative are judicial, financial, and vital; and although the information contained in them falls far short of what the international prison congress consider to be requisite, they are an excellent and creditable commencement of a system which will admit of easy extension when the rulers of India awake to the real value of such information for legislative purposes. Many of the prison officers of India are fully alive to this, as their published reports show.

The census returns of India, taken since the meeting of the Prison Congress of 1872 in London, have now given a secure basis for estimating the extent of crime in the country, and the efficacy of the means of repression adopted; hence the Indian returns of the future will be of great interest in these important particulars.

The question of the employment of prisoners has been much and constantly discussed and considered in India. Prior to 1838 the chief occupation of criminals was extra-mural, either in making imperial roads, or in station improvements. In the former they were employed in considerable numbers, were encamped or hutted, and were in charge of engineer officers; in the latter they were under the immediate charge of the district magistrates. During the inquiries which were ordered by the Government of India, it was elicited that this mode of employing prisoners was extremely unhealthy; that it was liable to great abuse, and was in fact much abused; that it was characterized by an entire absence of penal discipline; and that, while it was of questionable advantage to the State, it was abundantly detrimental to the criminals.

The intra-mural employment of prisoners was chiefly in occu-



pations required for the prison, and so much under the control of prison subordinates as to be generally abused,—the rich, and those of high caste, purchasing or obtaining immunity; the poor, low caste, and friendless, being subject to tyranny and oppression. To remedy this the prison-discipline committee of 1838 recommended the cessation of out-door work, and the general introduction of in-door labor, in dull, wearisome, monotonous tasks,—the evident intention of which was to inflict as much personal pain as could be safely inflicted without injury to health. Tread-wheels and cranks were accordingly introduced tentatively in Calcutta and at Deegah, but they failed, and were speedily abandoned.

At that time the doctrine of making prisons a terror to evil doers by measures of coercion and severity was in full force; the higher aim of reformation was neither entertained nor practised.

In 1843 the introduction of remunerative industry was enjoined by the Government of India, then administered by the late Earl of Ellenborough. The labor was to be regulated by task-work, each task being at least equal in amount to that performed by a fairly-skilled artisan of the same class. It was to be sufficiently severe to keep the prisoners actively employed during the day, with the intervals necessary for food and rest. It was not to be repugnant to the castes and religious customs of the prisoners.

Rules were subsequently framed, and are now in force, to classify the labor, to apportion it as much as possible to the sentence and crime of the prisoner, and to make it an instrument of reformation. This latter is accomplished by teaching each prisoner some form of handicraft that will enable him to earn an honest livelihood on release, and, by inculcating habits of industry, to counteract the idleness which is the proximate cause of much of the vice that leads to crime.

Remunerative prison-industry as an instrument of reformation is the basis of the system of prison labor now in force throughout India. It is not carried out with the precision and perfection of which it is susceptible, from the absence of properly constructed prisons, from the miserable economy which has reduced the establishments of jails throughout India to a pitch bordering on positive inefficiency, from the large number of short sentences awarded by the criminal courts, in which it is impossible to teach any trade or handicraft, and from a majority of the prisoners throughout India belonging to the agricultural classes, who neither can nor will follow any other pursuit on release.

As the whole of the prisons in India are under State control, most of these defects could be readily remedied.

In so extended and poor a country as India financial considerations are undoubtedly of primary importance, and cannot be rightly or safely disregarded in dealing with such questions.

But it can be shown, and has been proved in practice, that by

a wise regulation of prison labor all the ends intended by the addition of this condition to criminal sentences can be fully accomplished, and the prisons be made at the same time entirely self-supporting. One presidency in India, that of Bengal, for several years repaid about forty per cent of the whole cost of its prisons, and some jails in the same presidency have been entirely self-supporting.

The chief objections to remunerative prison-labor are, that it does not provide the hard work intended by the criminal law, that it enters into injurious competition with free labor of the same kind, and that it makes the prison a stepping-stone to fortune, and thus places the prisoner in a better position than the honest laborer of the same class.

The obvious answers to these objections are, that the severity of labor consists rather in its continuance and the constant care and attention exacted by all forms of work, in which more or less of skill is required, than in the mere exercise of unreasoning muscular force. The limits of the latter are soon reached, and demand prolonged intervals of rest, which are injurious to discipline. They excite feelings of anger and resentment, destructive of the moral sentiments which are the sole agents of reformation. They are in reality torture in disguise, and not warranted either by the Christianity which the British people profess or the civilization to which they lay claim.

That remunerative prison-industry enters into competition with free labor is undoubted, — not largely, but to a limited extent, — and it has a perfect right to do so. The interests of the community at large are superior to those of sections or individual members of that community. Prisons must be maintained at the public cost, which falls upon the honest and well-conducted members of society ; and if the prisoners can be made to diminish the burden by the exercise of compulsory industry, it is not only a most legitimate retribution to exact, but the State is bound to resort to it as a measure of general policy. To teach the prisoner a handicraft, and thus enable him to gain an honest livelihood on release, will merely restore him to the place that he would have occupied had he not taken to evil courses. It creates nothing new. It adds to the stock of public virtue, and diminishes to a like extent that of corroding vice. For that reason, if there were none others founded on more general economic considerations, the use of remunerative prison-industry as an important, nay, an essential, measure of reformation is not only justified but enjoined.

That a jail can in any well-regulated system of prison discipline ever become a productive school of industry in which a poor and honest laborer should desire to graduate can only result from grave mismanagement. The necessary and accessory

inconveniences of imprisonment; namely, the entire loss for the time of personal liberty, the consequences immediately resulting from this loss, disruption of family and social ties, destruction of business, a compulsory state of existence in all matters, the necessity of conforming to strict regulations which are and must from their nature be distasteful, a compulsory dietary, uncomfortable means of repose, total exclusion of society, and enforced labor in uncongenial pursuits,—these are all immediate, tangible, well-understood evils. That there is a desire to encounter them with the remote prospect of learning a trade or handicraft in any section of the honest community at home or abroad is certainly not true. The remark of Count Sollohub, of Russia, is perfectly just, “There are no amateur candidates for prison.”

Within the last ten years the out-door employment of convicts has been revived in India, and large gangs of them are now engaged on canal works. If the intention of convict-labor were to furnish hard work and to recoup the cost of maintenance, and if the essential conditions of prison discipline are to be entirely ignored, this system is sound and logical; but if the labor is to be a means to an end,—namely, the reformation of an offender by the inculcation of habits of order and industry, and by the possession of the skill and knowledge necessary to earn an honest livelihood on release,—then the system is unsound and retrograde.

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#### CHAPTER XLVIII. — DIETARIES. — DISCIPLINE. — SCHOOLS.

THE dietaries for prisoners in India vary somewhat in detail in every province and presidency. They are as a rule based upon the food in use among the lowest classes of the different people, and are so regulated as to maintain health and strength without the introduction of a single article that is considered to be a luxury. Prisoners are weighed on admission and on discharge, and provision is made in the jail rules of some parts of India to weigh them whenever there is reason to believe that the dietary is from any cause productive of disease,—a loss of weight being a rough test of deficient quantity or improper quality of food. In such circumstances the surgeon of the prison has power to change the dietary in any way that may be needed for the health and strength of the prisoners,—a special report of every instance in which this is done being made to the head of the prison department, to insure that such power is not abused.

Tobacco, opium, and all narcotics and stimulants to which na-



tives of India have been accustomed from the earliest age are strictly prohibited in Indian prisons. That the sudden withdrawal of any accustomed luxury may not be attended with injury to health, all prisoners who have indulged to excess in such luxuries or vices are placed under observation; and the medical officer of the prison has full power either to continue the indulgence in gradually diminishing quantities, or to subject the sufferers to such dietetic and other treatment as he may consider to be necessary to enable them to bear the entire privation with impunity.

There is no restriction in hospital dietaries as to all reasonable changes in quantities or qualities of food that medical officers consider necessary for the cure of disease and of restoration to health and strength.

The subject of prison dietaries in India has frequently been investigated with great care, in consequence of their important relations to health. The practical rule of guidance has been to give all that is really required for health and strength; and this end being kept steadily in view, to withhold every thing that would place the prisoner in a better position than the poor and honest in his own walk in life.

The punishments for breaches of discipline are fetters, separate confinement, penal labor, a penal dietary, and flogging.

In some parts of the country, from the extreme insecurity of the prisons, all heinous offenders and some persons awaiting trial are ironed to prevent escape, — a harsh proceeding caused by the absence of properly-constructed prisons. This proceeding has been legalized, — a reproach to the legislation of the country. When the prisons are tolerably secure, fetters are employed only in disciplinary punishments.

Separate confinement is resorted to where the means for it exist; but the provision of cells is so inadequate even for this purpose that recourse is had to flogging to an extent that is most lamentable.

In the matter of rewards, Colonel Hutchinson, in a paper communicated to the author, states that the jail codes prescribe three classes of labor, — hard, medium, and light; the transfer from one to another being an indulgence to be earned, not a right to be claimed. The object of such advance is eligibility to employment as work-overseers, convict warders, convict guards; the grant of intermediate imprisonment whereby, under certain conditions, he may sleep outside the jail; remission of a part of the sentence in exchange of marks given for industry; and small gratuities in money. These are not uniform throughout all India, but vary more or less in the several presidencies and provinces.

About ninety-three per cent of the prisoners in Indian jails are

wholly illiterate, five per cent can read and write, and two per cent are fairly educated for their position in life. Lord Macaulay's committee in 1836, on grounds of general policy, opposed the introduction of education in the prisons, even to the extent of reading, writing, and ciphering. The committee of 1864 took a different view, and their recommendations provided for primary instruction in the twofold aspect of punishment and reward, — punishment to the sullen, the stupid, and the idle; reward to the quick and the intelligent, to whom it would serve as a mitigation of the tedium of confinement. Dr. Mouat observes that the instruction given in the prisons, limited as it is, has been found an important aid to discipline. The conference of 1877 recommend that the following three classes be compelled to attend school: (1) Prisoners under sixteen with sentence over one month; (2) Prisoners between sixteen and twenty-four with sentence of one year and over; (3) Prisoners between twenty-four and thirty-five with sentences of two years and more. They further recommend that prisoners of any age or sentence who enter prison with a partial education may attend school in the discretion of the superintendent. Also that further liberty of attendance may be granted as a privilege, if the superintendent deem it expedient; that juveniles should receive four hours of schooling daily; that large use be made of the better-instructed prisoners as convict-teachers, and that to this end normal schools be established to qualify them for this service.

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CHAPTER XLIX. — PRISONERS AS WARDERS. — INTERMEDIATE IMPRISONMENT AND AGRICULTURAL COLONIES. — RECONVICTIONS. — PRISON HORTICULTURE. — MORTALITY.

IN some parts of India convicts have been employed as prison warders to aid in the maintenance of discipline, to prevent escape, and to act as superintendents of labor. If carefully selected after a sufficient period of probation, attested either by the mark-system (which is in use in India) or by the entire absence of the names of the prisoners from the punishment-register, for a period proportioned to the length of their sentences, they generally turned out well. It prepares prisoners gradually for restoration to liberty by teaching them self-respect, and by inculcating the value of continuous good conduct in circumstances of restraint and difficulty.

A plan of intermediate imprisonment, differing in some particulars from that of Sir Walter Crofton, was also introduced in Ben-

gal some years since by Dr. Mouat, and worked well so long as the jails of that province were under his charge. Agricultural penal colonies were also advocated by the same officer ; but the suggestion was not adopted, because their uses and advantages were not fully understood by the rulers of the most important province of British India.

Careful endeavors are made in India to procure trustworthy returns of reconvictions and relapses into crime ; but from the vast extent of the territory, the numberless means of evasion, the difficulty of identification, and the untrustworthy character of the native police agency through which such inquiries must be conducted, the result does not as yet appear to be very satisfactory or trustworthy.

To very many prisons in India gardens are attached, partly to supply the prisoners with the fresh and varied vegetable food necessary for the healthy maintenance of so vegetarian a race as most of the inhabitants of India are, and in part to counteract the scorbutic tendency of the sedentary labor in workshops and cells, which is the cause of so large and destructive an amount of sickness in those prisons. Natives of India seldom take physical exercise voluntarily for purposes of health ; and to compel them to take it in some useful form is found to be most advantageous in every way, disciplinary as well as economic.

Sickness and death play so exceptionally important a part in the Indian prisons as to need exceptional care in the adoption of hygienic measures. Among the wild tribes and those accustomed to an open-air life imprisonment in any form is particularly destructive. The mortality of Indian prisons has at times been frightful, and in some presidencies and provinces the death-rate is still so far in excess of that of the outside population of the same classes as to demand such relaxations of discipline as may be necessary to preserve life ; hence the question of prison management in the Indian Empire is complicated with conditions unknown in more temperate climates. It is in no circumstances justifiable to convert a sentence for a short period into a sentence of death, either by the absence of a proper construction of prisons, or by the selection of unhealthy sites, or by overcrowding, or by any preventable causes. The responsibility for all such states rests exclusively with the ruling authorities ; and they have been so often and so fearlessly brought to notice by the inspectors of prisons in India, that their continuance is a standing reproach to those who alone possess the power to remove them.



## CHAPTER L. — CONVICT SETTLEMENT ON THE ANDAMAN ISLANDS.

THE convict settlement of Port Blair and the Andaman Islands is the great penal colony of India, to which all convicts sentenced for life or for long terms are transported. It contains some eight thousand convicts, of whom about one thousand are females. It is governed by rules of its own, is under the immediate orders of the Government of India, and is rapidly reclaiming and settling the important group of Islands in which it is placed. Well-conducted convicts, after fixed periods of probation, are granted tickets-of-leave, have lands assigned to them, are permitted to marry, and are gradually becoming an important and industrious community.

The aborigines of the islands, who are dwarf negroes, are also becoming amenable to the influences of the superior civilization which is now brought in contact with them, and are ceasing to be so relentlessly hostile to all strangers as they were when the chief convict settlement was selected by Dr. Mouat in 1857 for the reception of the mutineers of the great Sepoy revolt of that year. These islands have obtained a sad celebrity from the murder of the Earl of Mayo, when Viceroy of India, by a Mahometan fanatic.

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## CHAPTER LI. — AID TO DISCHARGED PRISONERS. — REFORMATORIES. — CONCLUSION.

NO aid societies exist in India, but help is given occasionally to deserving prisoners on their discharge by philanthropic individuals.

Within the last few years a movement to establish juvenile reformatories has been made; but their formation is too recent to admit of any judgment being formed as to their results. No doubt these will be good, as everywhere else.

From the foregoing brief sketch it will be perceived that the prisons of India are all under State control; that they are governed by special regulation having the force of law, are subjected to regular inspection, and are in the immediate executive charge of different classes of officers in different parts of the country. The construction of these prisons oscillates between secure cellular jails and mud huts, — the majority being insecure, unhealthy, and undeserving the name of prisons. From these defects, from

the different character of the prisoners of different parts of India, from the necessity of attending to caste considerations, from the unreliability of the subordinate agency available, and from the general want of knowledge of the true principles of prison management on the part of the ruling authorities, a sound, continuous, and judicious system of prison discipline cannot be said to exist in any part of this extended empire.

The labor of the prisoners is in a great measure intra-mural and in remunerative industries; but departures from it are permitted and even enjoined in the execution of great public works. The whole question, however, is too much subordinated to financial considerations to have a fair chance of success. The great extent of the country and the difficulty of regulating income and expenditure have deprived the prisons of India of the share of the public revenues which ought to be assigned to them as a measure of policy, of humanity, and of real economy.

The prison is the key-stone of the judicial arch, the imperfect construction of which renders nugatory a considerable proportion of the very great expenditure incurred in the police and judicial agency engaged in the pursuit and detection of crime and the trial and conviction of offenders.

## Book Fourth.

### CONTINENTAL EUROPE.

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#### PART FIRST.

##### FRANCE.

##### CHAPTER I. — PRISON ADMINISTRATION.

THE penitentiary administration of France is a good deal divided up among the different ministries and departments of Government. There are : 1. The prisons under the ministry of the Interior. 2. The military prisons under the ministry of War. 3. The naval prisons and penal colonies under the ministry of the Marine. 4. The prisons of Paris under the prefecture of the city. 5. The transfer of prisoners waiting trial under the ministry of justice.

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##### CHAPTER II. — EXPLANATION OF CERTAIN TERMS.

PRELIMINARILY, it will be necessary to explain three French terms, constantly occurring in the penitentiary nomenclature of France, to which there are no words, or things, exactly answering in English or American criminal procedure. These words are *inculpés*, *prévenus*, and *accusés*. Their equivalents in English all designate persons suspected of, or charged with, some offence ; but the exact distinction it is difficult to grasp for the reason above stated, and especially because there are no single English words that furnish the equivalents ; hence the necessity for explanation. The *inculpés*, then, are persons who, having been arrested either on a warrant or in the act of committing an offence (*flagrante delicto*), are conveyed, prior to a hearing, to some prison for safe-keeping, until their examination takes place. The *prévenus* and the *accusés* are both *inculpés* who



have had their first hearing, and have been ordered by the committing magistrate (*juge d'instruction*) to be held for trial. But there is a difference between them. The *prévenus* are prisoners held for trial on a charge of misdemeanor (*délit*); the *accusés* are prisoners held for trial on a charge of felony (*crime*). The two classes are taken before different courts for trial,—the *prévenus* before the tribunal of correctional justice, where the trial is by the judges alone; the *accusés* before the court of assizes, where they are tried by a jury. In further descriptions and statements it will be necessary to use the French terms themselves, because there are no single English words that correspond thereto.

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### CHAPTER III.—CLASSIFICATION OF PRISONS.

THE penitentiary service of France, so far as it falls within the jurisdiction of the ministry of the interior, comprises, in France and Algiers,—

1. Houses of arrest, which are appropriated to the *inculpés* and *prévenus*; to prisoners sentenced to the central prisons, while awaiting their transfer; to children detained by way of paternal correction; and to prisoners *en route*.

2. Houses of justice, designed for the *accusés*, and for prisoners condemned by the court of assizes, while waiting transfer to their legal destination.

3. Dépôts of prisoners sentenced to hard labor (*travaux forcés*) are for men, sentenced as above, taken out of the houses of justice as soon as the decree of punishment has become definitive, and who await their embarkation for New Caledonia or Guiana.

4. Departmental houses of correction, set apart to police prisoners; to adults sentenced to correctional imprisonment for a year or less; to criminals sentenced for a year and a day in such departmental prisons as are devoted to the system of individual separation; to prisoners sentenced correctionally for a longer term than a year, who are detained in cellular separation on their own request; and, finally, to minors sentenced to a maximum of six months' imprisonment.

5. Central houses of correction (central prisons), for persons of both sexes over sixteen years of age, and sentenced to an imprisonment exceeding a year and a day.

6. *Maisons de force* (literally force houses), for prisoners of both sexes sentenced to reclusion, and women sentenced to hard labor (*travaux forcés*).

7. Detention houses, for persons sentenced to the penalty of detention, whatever that may mean.

8. Establishments of correctional education, for minors of both sexes tried for crimes or misdemeanors, committed before the age of sixteen years, and acquitted as having acted without knowledge, but remitted to the guardianship of the administration; or for persons condemned, as having acted *with* knowledge, to more than six months' imprisonment. These establishments are divided into, —

*a.* Penitentiary colonies for boys placed under administrative guardianship, or sentenced for periods ranging from six months to two years.

*b.* Correctional colonies for boys sentenced for more than two years, or removed from the penitentiary colonies as a disciplinary measure.

*c.* Penitentiary colonies for girls of all categories.

The penitentiary colonies and houses are establishments that may be either public or private; the correctional colonies can only be public establishments.

Reform schools, of recent creation, are for boys of less than twelve years, whose education is confided to Sisters of Charity.

9. Chambers and dépôts of safe-keeping, which are intended to furnish lodging, at halting-places, to prisoners *en route*, in localities where there exists no house of arrest.

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#### CHAPTER IV. — TRANSFER OF PRISONERS.

THE transfer of adult convicts of both sexes and of young prisoners of the male sex, of mendicants going to the dépôts of mendicity, etc., is effected almost exclusively, in France, by means of cellular cars belonging to the State, under the escort of agents of the administration. For persons not transferred in this manner are employed, according to circumstances, special compartments of the cars of railway companies, and special carriages or steamboats. They are then conducted by the mounted police. In Algiers prisoners are always transferred under an escort of the *gens d'arme*, whether in packet-boats engaged in the coasting-service, or in cellular cars furnished by the railway companies, or in special carriages, or, in short, on foot. Both in France and in Algiers young female prisoners, transported in public conveyances, are accompanied by persons of their own sex.

## CHAPTER V.—LAW OF 1875.

A LAW, dated June 5, 1875, ordained the individual separation, day and night, of all prisoners awaiting examination or trial, and of persons sentenced to an imprisonment of a year and a day, or less. Persons sentenced correctionally to a term exceeding a year and a day may, at their own request, be subjected to the same régime. In such case they are detained in the departmental houses of correction.

Up to the present time it has been possible to adapt but a small number of these prisons to the application of the cellular régime. In all the others imprisonment on the associated plan is still practised.

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## CHAPTER VI.—HYGIENE.

THE use of tobacco, wine, and other alcoholic drinks is forbidden to convicts and juvenile prisoners. Great importance is attached to the hygiene of the French prisons. Sanitary precautions seem never to be neglected. The hygienic system of the central prisons, especially, is organized in a manner the most complete and effective. The average number of prisoners in the hospitals was, in 1868, four per cent of the prison population in the case of men, and five per cent in that of women. The average death-rate the same year was, of men, 3.65 per cent; of women, 3.80.

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## CHAPTER VII.—CLASSIFICATION OF SENTENCES.

SENTENCES in France are of three kinds; namely, to imprisonment, reclusion, and hard labor. Those sentenced to hard labor, if men, used to be sent to the galleys; but these no longer exist, and they are now punished by transportation to the penal colonies. A sentence to hard labor is afflictive and infamous, and involves civil degradation and civil death. Simple imprisonment is a correctional punishment, and may be from six days to five years. The sentence is served in a departmental prison, if its duration falls within a year; if it exceeds that, in a central prison. Reclusion, like hard labor, is afflictive and infa-



mous. The sentence to it may be from five to ten years, and is always served in a central prison. The tendency of public opinion in Europe, and I think in France as well, is towards the abolition of these distinctions, and the assimilation of all sentences, except as to duration and certain accessory consequences involved after liberation.

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#### CHAPTER VIII. — CLASSIFICATION OF PRISONERS.

THE classification of prisoners in France has not heretofore been largely practised, and it does not appear to have led to any very solid results. But an interesting experiment was inaugurated in this direction a few years ago. What were called "preservation" or "amendment" wards were established in a number of the central prisons. This experiment promises the best results. The prisoners placed in these wards have shown themselves sensible to the distinction of which they have been made the object, and have exerted themselves to deserve it by their good conduct. The cases are rare in which it has been found necessary to put them back into the common wards.

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#### CHAPTER IX. — EARNINGS. — PECULIUM. — LABOR.

LABOR is obligatory on persons sentenced to imprisonment, to reclusion, and to hard labor; it is optional with those awaiting trial and those sentenced to detention. Young prisoners receive a professional education,—in other words, learn trades. Prisoners receive of the proceeds of their labor in the following proportions: Those awaiting trial (*prévenus* and *accusés*), seven tenths; those sentenced to imprisonment, five tenths; to detention, five tenths; to reclusion, four tenths; to hard labor, three tenths. One tenth is subtracted for every previous condemnation; but the part going to the prisoner, his *peculium*, can in no case be less than one tenth. Augmentations are accorded under the title of recompense, diminutions are imposed by way of discipline. The *peculium* is divided into two equal parts: one part may be used by the prisoner during his detention in the purchase of supplementary food and clothing within limits fixed by the rules, in aiding his family, etc.; the other is held in reserve for the time of his liberation. Juvenile prisoners have no claim to a *peculium*; but

pecuniary rewards are distributed to them for good conduct, progress at school, and application to labor.

Two modes of managing the prison labor are in use, — one by the administration, the other by a contract system. Under the former, the State provides directly for all the services, treats with manufacturers for the use of the different kinds of labor executed by the prisoners, and realizes all the profits arising from it. Under the latter, some individual or firm is charged as contractor with the economic services of the industrial labor, in consideration of the payment by the Government of a daily sum, and the concession of the portion of the earnings belonging to the treasury, with sundry accessory advantages to the contractor in addition.

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#### CHAPTER X. — PERSONNEL. — OTHER FUNCTIONARIES.

THE administration of each central prison is confided to a director, assisted by one or two inspectors, an accounting clerk, with several assistant clerks charged with keeping the registers and the money accounts, and a staff of keepers serving as the police force of the prison. It is the same with the agricultural penitentiaries, the houses of detention, the *dépôts* of convicts condemned to transportation, and the public colonies of young prisoners.

The departmental houses of arrest, of justice, and of correction, as well as the chambers and *dépôts* of safe-keeping, are grouped into penitentiary circumscriptions composed of one or several departments, each of which is administered by a director, whose duty it is to make two visits a year, and having under his orders in the more important establishments an inspector, an accounting clerk with his assistants, and the necessary subordinate officials. The functions of the director of circumscription are in certain cases performed by the directors of the central prisons.

This organization does not exist for the prisons of the Seine; a part of the duties of the directors of circumscription is there devolved upon a functionary who is placed under the immediate authority of the prefect of police, and who bears the title of comptroller. Each of these prisons has, besides, a director with one or more clerks.

The supervising staff, in each of the above establishments for male prisoners, comprises a head-keeper, one or more first keepers if need be, and ordinary keepers, some of whom act as clerks. The female prisoners are under the care of persons of their own sex, religious or lay. A special ward has been organized at the cen-

tral prison of Doulleus to receive Protestant female prisoners, who are confided to the care of deaconesses of that church.

There are found in all prisons one or more chaplains of the different religions recognized by the State, one or more medical officers, and an apothecary in the more important ones. Teachers are attached to the central prisons, to the agricultural penitentiaries, to the houses of detention, to the public colonies for juvenile prisoners, and to the departmental prisons in which sentences are served of more than three months' duration. Architects, in the employ of the penitentiary administration, are charged with the labors proper to their profession for establishments in which the expenses relating to the buildings appertain to the State.

Prisoners *en route* are guarded in the dépôts for safe-keeping by special agents, and in secure chambers attached to the barracks of the gendarmes by the military of that arm of the service.

All the functionaries, employés, and agents are named by the minister, except the ordinary keepers; the physicians and chaplains of the departmental prisons whose appointment belongs to the prefects, and the staffs of the private establishments of juvenile prisoners who are appointed by the founders or directors of those establishments accepted by the administration.

The various penitentiary services in each department are subject to the authority of the prefect.

Inspectors-general attached to the ministry of the interior visit periodically the penitentiary establishments, and may on occasion be sent there on some special mission. They are charged with the constant study of all phases of the penitentiary question.

Commissions of supervision exist for the houses of arrest, of justice, and of correction, as well as for the establishments of correctional education for young offenders.

A superior council of prisons has been instituted in connection with the ministry of the interior.

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## CHAPTER XI.—SPECIAL PROVISION FOR INSANE CRIMINALS.

A SPECIAL department of the central prison of Gaillon, instituted in 1876, receives convicts of the male sex suffering from mental alienation, or from frequent attacks of epilepsy. The medical service and the general treatment in this establishment are organized in the same manner as in the ordinary insane asylums.



## CHAPTER XII.—REWARDS AND PUNISHMENTS.

THE system of reward by participation of earnings has been already explained. Other rewards held out as incentives to good conduct are employment as foremen in workshops, monitors in the school, overseers of dormitories, hospital attendants, store-keepers, clerks, copyists, etc. ; also a place on the roll of honor. The disciplinary punishments used are confinement in a cell, the hall of discipline, loss of earnings, reduction of rations, privation of correspondence and visits, loss of posts of honor, removal from the roll of honor, and the like. All bodily inflictions are expressly prohibited. The director, assisted by his superior officers, holds daily a tribunal of disciplinary justice (called "pretorium"), in which every offence against the discipline reported for the preceding day is fully heard, fairly considered, and justly dealt by, whether by acquittal or punishment.

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## CHAPTER XIII.—RELIGIOUS AND MORAL AGENCIES.

IT has been stated that chaplains of all religions are provided for the prisons, so that none are without the instructions and consolations of religion by ministers of their own faith. Besides holding stated public services, the chaplains do pastoral work,—visiting the prisoners in the hospitals, in the cells, and in their places of punishment. They are always among the assessors at the daily courts in the pretorium mentioned above. They are called on for advice on propositions for the exercise of executive clemency. Volunteer visitors are not admitted ; but there are commissions of supervision, composed of citizens held in the highest esteem, whose mission is to watch over the entire management, and particularly over all that relates to the reformation of the prisoners. But there is a tendency in human nature, even at its best, to laxness, and it is to be feared that these commissions are not always up to the mark. Sunday-schools under that name do not exist in the French prisons, yet the directors of a number of them have organized an hour of school on Sunday morning, and the administration has generalized this innovation. Correspondence can only be carried on with, and visits received from, family friends, which must in general be regarded as a wise restriction. The moral effect of each is found to be rather good than bad.

## CHAPTER XIV.—ILLITERACY.—SCHOOLS.—LIBRARIES.

THE average of adult prisoners unable to read on their commitment is fifty-six per cent; of juveniles, eighty-one. The organization of primary instruction in the prisons dates back to 1819. Since then schools have been established in all the important prisons. Almost the entire prison population are required to attend school, only old men and invalids being excepted. The instruction given comprises reading, writing, arithmetic (written and mental), weights and measures, linear-drawing, and general notions of the geography and history of France. The administration has not been altogether satisfied with the results; but many who entered wholly illiterate leave with a fair degree of elementary instruction. The prison libraries include religious works suited to the needs of Protestant as well as Catholic prisoners; also books of history, biography, travels, literature, science, etc. Prisoners who have mastered the art are fond of reading, and those who have not like to have books read to them. It exerts a marked and happy influence upon them. Properly directed, it effects a salutary revolution in the character; and prisoners who form a taste for good books are generally well-behaved.

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## CHAPTER XV.—ALL LABOR INDUSTRIAL.—RECIDIVISTS.

THE penal system of France is no longer founded, as formerly, on suffering and terror, and hence there is no strictly "penal" labor. What is desired now is to punish the criminal; what is sought as the end of that punishment is his reformation: therefore all the labor is industrial,—obligatory on the sentenced, permitted in the case of the accused. In the central prisons labor is thoroughly organized. Large workshops in these establishments present a scene of busy toil. Some fifty to sixty industries have been introduced into them. There are four establishments in which the prisoners are engaged in agricultural labors. A few of the central prisons are self-supporting, notably the female prison at Claremont; others approach more or less nearly that point. The majority probably do not more than half pay their way.

Despite what is said in the last paragraph, deterrence by intimidation is the great aim. Moral regeneration is an end, but not the chief end. The proportion of recidivists in the central pris-

ons is from forty to fifty per cent. Repeated short sentences are not found to give favorable results; they rather increase than lessen crime.

Imprisonment for debt no longer exists in commercial and civil matters; it came to an end by statute in 1867.

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#### CHAPTER XVI. — PATRONAGE OF LIBERATED PRISONERS.

THE work of patronage (aid to liberated prisoners) has made immense progress in France within the last six or eight years. When the International Prison Congress met in London in 1872, this work scarcely had an existence in that country. Two small Protestant societies, still in their infancy, had been formed, and half a dozen organizations founded by Sisters of Charity to aid discharged female prisoners were in existence, and were doing a modest but useful work. That was all, so far as adult prisoners were concerned. A patronage society for liberated juveniles of the Seine had existed for half a century or more, than which no better planned, more active, or more useful organization of the sort is to be found in any part of the world. M. Demetz, founder and director of Mettray, had made the whole of France a vast patronage association for his *colonie agricole pénitentiaire*. But what do we see to-day? Owing largely to the zeal and tireless energy of the late M. Jules de Lamarque, a great national patronage society, full of life and activity, has been formed, with its seat at Paris, and with branch organizations in almost if not quite all the departments. France forms at this moment a vast network of these agencies, which are destined in the near future to make a profound impression on crime, and to bring down the percentage of recidivists not only far below what it is at present, but probably below what the most sanguine now believe to be possible.

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#### CHAPTER XVII. — EARLY DEVELOPMENT OF CHILD-SAVING WORK.

FRANCE was among the earliest countries to perceive and act upon the idea of the importance of child-saving in the effort to diminish crime. There, too, as elsewhere, private charity, individual beneficence, preceded action by the State. It was in a



valley of the Vosges Mountains, in Alsace-Lorraine, that the celebrated Protestant pastor Oberlin, near the middle of the eighteenth century, entered upon his great work of improving and elevating the poor,—a work which has resounded through the civilized world, and which has had such large and wide-spread results. Touched with the forlorn condition of the children of his parish, too young to attend school,—whose parents, unable to utilize their services, allowed them to run at will,—Oberlin conceived the idea, in 1767, of gathering them under his own paternal watch and care. Then and there was established for the children of a rural population the first infant school ever known,—the germ, no doubt, of the kindergarten schools, so popular and so useful in our day.

This idea bore no fruit at the time in the country of its origin. But it reappeared in England half a century later under the influence of Miss Edgeworth, who had given an account of it in one of her romances. The impression made by her description led to the establishment of the first infant school in that country in 1819. The idea was, in 1825, carried back to France, where it had its rise, and whence it had migrated to English soil; and to-day not only Paris but France is, if not fully, yet fairly, supplied with this class of institutions. Great importance is attached in France to these schools for children of the age of two to six years. Experience has shown, agreeably to the teaching of Solomon, that the best means of improving the world is the right training of children; and such training cannot begin too soon. An old French house-servant and his wife so well understood the utility of this institution for rural populations, and so warmly sympathized with the object, that they devoted their little fortune of ten thousand francs to the establishment of an infant school in a small commune in the interior of France.

The infant nursery, another admirable device for saving children and lessening crime, is indigenous in France. A French manufacturer, compelled to renew his stock of tools, determined also to transform his workmen. In the pursuit of this idea, he first established an adult class, then a school for children, afterwards an infant class, and finally a nursery for the infant children destined to enter his workshops. Business tact thus led him to recognize the practical utility of the infant nursery instituted by religion.

Imaginatively but touchingly the origin of this institution is thus described by a French poet: "Among the seraphim who for ever hymn the glory of God there was one who sometimes stood aloof from the rest lost in thought. His forehead inclined to the earth; he became more and more pensive. At length, kneeling before the Eternal, he said: 'When thy son Jesus wept and was cold in the stable of Bethlehem my smile consoled him,

my wing sheltered him, my breath warmed him. Since then, whenever an infant cries its voice touches my heart, and for this reason I am in continual sorrow. Suffer me to descend to earth ; there are so many little ones who, shivering with cold, mourn far away from the breath and the kisses of their mother. I long to shelter them in warm chambers ; I long to lay them in cradles, and cover them well ; I long to be their nurse ; I wish that they all may have twenty mothers, who will rock them to sleep, after having well suckled them.' The angels applauded him. Spreading his wings he descended rapid as the lightning, and infant nurseries were opened wherever the angel of the little children passed."

It was in France, at Paris, that the first infant nursery was founded by Catholics in 1844. The institution, adopted by Protestants, spread rapidly in the different quarters of Paris, in the provinces, and in foreign countries. It receives only the children of mothers who work during the day away from their own home. On their arrival at the nursery these children are disrobed, washed, and dressed in clean clothes furnished by the establishment. Their own clothing is laid aside to be replaced at night, when the mothers come to take them home. Children are received into the nurseries a few days after birth and cared for till the latest period of weaning, — that is, the age of two and a half years, or thereabout, the age at which they are admissible into the infant school.

Infant nurseries are to-day greatly multiplied in all parts of France. One of the most illustrious of modern statesmen, M. Thiers, thus expresses his opinion of them : " In these latter years, an invention at once ingenious and touching, under the title of infant nursery and infant school, has instituted places for the reception of children from the tenderest age to that of attendance upon the primary school, and to supplement in this manner the care of the mother, compelled to labor at a distance from the child for the procurement of her own and its livelihood. This is perhaps the only institution which charity had not already devised. Prior to its creation, the child, living in the streets of the village or the city, sometimes suspended in his swaddling clothes in the midst of the farm, temporarily deserted, was exposed to corruption, to vagrancy, often to noxious animals. Infant nurseries and infant schools have been multiplied throughout the whole of France, with a promptitude and celerity which prove that it is enough that a benefit be certain and practicable to induce the people to give themselves to its pursuit with alacrity and ardor."

As a first step in the education of the poor, and as a preventive of crime, the infant nursery holds a most important place. If it has not everywhere received the same development as the school, it is because it has not been appreciated at its true value.

Apprenticeship, the employment of children in manufactories, night-schools, the adoption and education of destitute, orphan, and deserted children, are so extensively organized and so admirably managed in France, partly by the action of Government but more largely by that of individuals, as powerfully as well as favorably to affect the question of criminality in that country. They are all agencies which act directly and effectively as preventives of crime. But a full development and portraiture of these agencies and their action would swell this work beyond all reasonable bounds. It is necessary, therefore, to withdraw the hand on this point and proceed to other agencies, which are expressly intended to limit and lessen juvenile delinquency.

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#### CHAPTER XVIII. — DEMETZ AND HIS WORK AT METTRAY.

**H**ALF a century ago the late illustrious Demetz, founder and for nearly forty years director of the agricultural penitentiary colony of Mettray, was a young and rising judge in one of the courts of Paris. High-born, talented, cultured, graced with every accomplishment suited to his social and official position, a brilliant career was opened to his ambition, to which no advance would have been impossible and no honor denied. But he had a heart as well as a head, and his moral nature was as high-strung as his intellectual. Mere children were often brought before him for trial, and, after conviction, for judgment. In such case he was obliged to sentence them to the central prisons, from which, as the statistics showed, from seventy to eighty per cent emerged to pursue a career of professional crime. This was too much for the sympathetic heart of the young judge. He resigned his judicial position to found an institution for the reformation and salvation of these young criminals. He traversed Europe to discover a model, which he found only in the Rauhe Haus at Horn, near Hamburg, then recently established and under the care of Mr. (afterwards Dr.) John Henry Wichern. This was upon the family plan, which M. Demetz at once adopted in principle as that on which he would organize his new establishment. Mettray was opened in 1839, and thousands of young criminals have been graduated from it during the forty years of its existence; and the proportion of relapses in all that time has been less than five per cent on the aggregate, instead of seventy-five as before.

There were four leading ideas on which M. Demetz founded his reformatory at Mettray.



1. The grouping of the young criminals into families. He chose this principle on a two-fold ground, — one having reference to the officers, the other to the children. Division into families, he thought, would make supervision more easy, direct, and kindly; more easy, because it would extend only to a small number; more direct, because it would bring responsibility home to one person; more kindly, because it would awaken in that person and his aids the sentiment of sympathy and affection. On the children he thought its influence no less beneficial. The authority exercised over them would be, in an important sense, paternal; they would become attached to their care-takers, and these in turn to them; and this mutual affection would be a moral force, equally strong and healthy. The family is the supreme of moral forces, and, as a rule, every man is a reflection of the influences in the midst of which he passes his earliest years. The power of example upon the young is well-nigh omnipotent. Hence the family either kills virtue or breathes into it the breath of life. The task which the founder of Mettray proposed to himself was to substitute for the family which ruined a family which would save those who became his wards.

2. Agriculture as the chief industry. The device adopted for the colony is, "To improve the earth by man, and man by the earth." *To defend the soil and to enrich it*, is the mission to which the *colons* of Mettray called.

3. Well-qualified agents as helpers. To this end a special training-school (*école préparatoire*) has existed in connection with Mettray from the start, to which M. Demetz always attached the highest possible importance.

4. A sufficient number of agents to do the work thoroughly and well. M. Demetz insisted strongly upon the point that too many children must not be confided to the same person. The agents, he said, must be multiplied, under penalty of simply rearing instead of educating. It is in single combat that we must wrestle with these young souls, if we would conquer their evil inclinations, and kindle in them the sentiments of honor and virtue. M. Demetz said that some charged Mettray with being too dear. To this he was wont to reply, first, that Mettray did a great deal of good; and, second, in the matter of economy in charity there were cheap purchases which ruined, and costly ones which enriched. It is the unusually large proportion of agents which made the cost at Mettray so high; but it is to that also that the large percentage of reformatations is chiefly due. The motto of M. Demetz on this subject was: "Reform as cheaply as you can, but — REFORM."

When Mettray had been in operation ten years, public opinion in France had become enlightened and strengthened to such a degree as to demand the creation of a system of institutions substantially of the same character, or at least having the same end

in view. Hence in 1850 a comprehensive law was enacted which called into existence that great system and series of reformatory establishments, to the number of fifty odd, which has been referred to and partially described in a former part of this chapter. These institutions are designed for the treatment of that class of children, — perhaps the most wretched of all, — who, orphaned, deserted, or wholly neglected by their parents, are arrested in the streets or on the public highway in a state of vagrancy, mendicity, or even on accusation of graver offences. They form a class of delinquents in whom society has a far-reaching interest. What is wanted for these young transgressors — often more unfortunate than blameworthy, more sinned against than sinning — is not a prison, but a house of education; and that is precisely what these establishments are designed to be, and what in point of fact they are. It is an opinion held by all good men in France, — and the enlightened public opinion of other countries is therein in full accord, — that the reformation of juvenile delinquents is a problem which in the work of prison reform ought to occupy a distinct as well as a prominent place, and that for them there are required special establishments and a special system of treatment. Without being able at the moment to give the exact statistics on this point for France, my impression is that, taking the whole number of correctional establishments of this sort, the proportion of inmates saved to honest industry is from seventy-five to eighty per cent; while a portion of them are nearly equal to Mettray in this respect, — such as the Protestant reformatory at St. Foy, a similar establishment for boys at Cîteaux, under the Brothers of St. Joseph, one for girls at Rouen, directed by the Sisters of the Sacred Heart, and perhaps some others.

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#### CHAPTER XIX. — MOVEMENT TOWARDS INDUSTRIAL SCHOOLS.

A VIGOROUS movement is at this moment in progress in France, looking to the inauguration of a comprehensive system of institutions in the nature of industrial schools for the rescue and salvation of children of a younger and less criminal class than those sent by the courts to the establishments of correctional education. This movement is as earnest as it is general, and promises the best results.

## CHAPTER XX. — NAVAL AND MILITARY PRISONS.

THE prisons devoted to prisoners under the care of the army and navy are: 1. Houses of arrest, and prisons of ports and arsenals. 2. Military prisons. The first receive (1) sailors, soldiers, and laborers of the navy; (2) persons arrested for crimes or misdemeanors within the jurisdiction of the several tribunals of the navy; and (3) persons sentenced by these tribunals to correctional imprisonment for one year and less.

Every military prison situated in a place which is the seat of a council of war is divided into three sections: (1) A military house of arrest, receiving soldiers of every grade sentenced to disciplinary punishment; (2) A house of justice, receiving soldiers who are being conveyed before a council of war and convicts awaiting either the execution of their sentence or a commutation of punishment; (3) A house of correction, receiving officers sentenced to the punishment of imprisonment and soldiers sentenced to less than a year of imprisonment. There are, besides, military penitentiaries containing persons sentenced to an imprisonment of at least one year. These are persons undergoing a punishment of a correctional nature,—the only punishment that does not exclude from the ranks of the army. Painful and afflicting punishments,—such as irons, hard labor, reclusion,—involve military degradation and the remission of the convict to the civil authority for the execution of those punishments.

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## CHAPTER XXI. — PENAL COLONIES.

THE galleys have been abolished, and in their place are the penal colonies, which constitute a service attached to the ministry of marine. For what follows in regard to these establishments I am indebted to M. Michaux, sub-director of the said colonies in that ministry, whose speech on the subject, in the Congress of Stockholm, I translate and condense.

French transportation divides itself into two periods,—that of Guiana and that of New Caledonia. The first proved an utter failure, owing to the unwholesomeness of the climate. The results obtained at New Caledonia may be thus summarized from M. Michaux: The labor of the convicts on their liberation is eagerly sought by the population of the colony, and indeed is often engaged in advance. The reason for this is the rapid development



of industry in the colony, and the consequent increasing want of more arms. At the close of 1875 there were ten hundred and sixty-three discharged convicts, of whom only two hundred and fifty-nine were not occupied at the *dépôt* of the Isle of Non. Of this number seven hundred and eighty-four supported themselves wholly by their own labor. The colony has just passed through a fearful crisis. All the workshops were closed, and labor was at a stand-still almost everywhere. Only three hundred discharged convicts became a charge to the administration, and not an improper act was committed during the whole of that period. Thus by the penitentiary action the normal life of the released prisoner has been assured, and at the same time relapses brought down almost to zero. Of seven thousand transported convicts only three per cent were recommitted, and more than half of the new offences were attempts to escape.

These results are attributed to the constant and kindly supervision kept up over the liberated prisoner, not to harass but to help him, while at the same time the real responsibility of his life is remitted to him. The essence of a reformatory prison discipline lies just here; such supervision is its touchstone *par excellence*. Every penitentiary system is to be suspected which takes no account and gives none of its liberated prisoners.

It does not comport with the plan of the present work—which is historical and descriptive rather than philosophical and argumentative—to enter into lengthened discussions on disputed points. I will therefore content myself with this single observation, that the public opinion as well as the public practice of the world runs strongly in the opposite direction.

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## CHAPTER XXII. — PRISONS IN PARIS.

THE administration of the prisons of Paris is in the jurisdiction of the Prefecture of Police. They are as follows:—

1. *The grand dépôt*.—This is a prison for persons who have not yet had their first hearing (*inculpés*). It can accommodate twelve hundred to fifteen hundred prisoners, but two thousand are sometimes crowded into it. The legal limit of detention here is twenty-four hours; the actual, at times, a week and even more. The male and female prisoners are completely separated, and the latter are altogether under the care of women. There are some fifty cells for the better class of men-prisoners, but the mass—and a seething mass it is of corrupt and corrupting humanity—are thrown pell-mell together. It seems a vast cosmopolitan exchange,

where the worst villains from all quarters meet to consult, to plot, and to mature new crimes. A hundred desperadoes may there be seen in a single apartment, — the scum of all crafts, the shame and terror of the metropolis. The flow inward and outward is without interruption. The coming and the going never cease. The young thieves learn from the old. They are taught the good strokes. They learn the whole theory of crime, from the picking of a pocket to the breaking into a house. They are told where to find the safest receivers and the worst haunts. And thus the army of crime is recruited more steadily and more surely than were the legions of Napoleon by the most relentless conscriptions. Paris could better afford millions to construct cellular prisons than to keep up this huge training-school of vice and crime. It would be cheaper in the long run.

2. *Mazas*. — This is appropriated to the *prévenus*, — prisoners awaiting trial before the tribunal of correctional justice. It is a strictly cellular prison, and may be said to be the gift of Pennsylvania to France. It is the chief fruit, at least the most tangible, of the visit of MM. de Beaumont and de Tocqueville to America. The number of cells is twelve hundred, and the average population eleven hundred. The moment one is fairly within, the arrangement of the whole structure is apparent. The cellular system yields up its secret on the instant. A glance tells the whole story. There are six vast galleries, forty feet high, twelve wide, and two hundred and fifty long. A staff of officers here accomplish, day and night, a wearisome service, for it is unceasing. The overseer passes and repasses incessantly from end to end of the gallery entrusted to his custody. He looks through the little hole in the door of the cells, fitly named *judas*; he stops if he hears any unwonted sound; he sees every thing without being seen; he glides rather than walks, so quiet and noiseless is every movement. He seems a part of the prison itself. He is silent, like it; he never smiles; and if he speaks, it is ever in a low tone. By living constantly in the midst of prisoners, he comes to look upon them as he would on other people; he feels neither horror nor pity. He is polite and even gentle towards them; partly perhaps from indifference, but also because he is advised to such a conduct by his chief. But he is no less prudent than polite; and in retiring from a cell he always goes backward. Mazas is well guarded. The gratings are solid; every door and gate is kept firmly locked. The walls, of which as in all French prisons there are two, with a wide space between them, are thick and high. The element of power is ever in view. In one respect the success has been complete. Not an escape has ever been effected; and but one attempt to escape has been made.

3. *The conciergerie*. — This is a prison destined to a twofold

purpose: (1) To receive men and women to be tried by the court of assizes (*accusés*); and (2) Sentenced prisoners, who have appealed to that court from a judgment of the tribunal of correctional justice. It is an old prison, dating back hundreds of years. Among the illustrious personages who have there been imprisoned was Marie Antoinette; and Talleyrand was afterwards confined in the same cell which had received his unhappy victim. Its interior has a sinister aspect, — dark, gloomy, repellent. In some of its passages lamps, kept burning at all times, give but a lurid light. Its yard resembles a well, whose sides bristle with points of iron, which prevent all scaling. Into this well are sent police prisoners, who have been sentenced to a single day's imprisonment. Their day is passed here, and their night on mattresses spread on the floor of a large room. What of evil may not a single day and night spent under such circumstances accomplish! Is not the influence of depraved men, even for so short a period, enough to draw into the paths of crime an irresolute and feeble spirit?

4. *La Grande Roquette*. — This is a dépôt for sentenced prisoners awaiting removal to a central prison or penal colony, or to execution for a capital crime. It has a certain celebrity as being the vestibule to the guillotine. The system is that of associated labor by day, and cellular separation at night. The discipline is more severe here than in the other prisons of Paris. A sickening tragedy was enacted within the walls of this prison in 1870. It was the execution, the assassination rather, of the venerable Archbishop of Paris and the president of the court of cassation, by the commune of Paris, — two men without stain, and whom all the good revered and loved. They, with six or seven others, equally guiltless of any crime against the State or against good manners, were shot down as felons, for whom the sun ought no longer to shine nor the earth to yield her fruits. Before his martyrdom the archbishop made this memorable declaration to his assassins: "You may take my life, but in doing so you will but add new force to the principle which I represent."

5. *Sainte-Pélagie*. — This is a house of correction, which receives men sentenced to terms of a year and less. An old structure, reared more than two hundred years ago, it is ill-suited to its present use. It bends, as it were, under the weight of time, and a foul and repulsive antiquity invests it with an air and an odor which are any thing but agreeable. The prisoners have no dining-hall. They eat in the open court; there also they make their toilet at a fountain. When it rains, and in the winter, they take their meals in a vast hall on the ground floor, composed of half a dozen or more chambers, whose partitions have been removed, with portions of the thick walls still standing, and offer-



ing everywhere obscure angles, into which the eye of the keeper penetrates with difficulty. It is in the terrible associations of this hall that the language of villany is breathed in whispers. There the prisoners boast of their achievements in the past; there they plot new deeds of crime; there they prepare, in advance, the good strokes they will make when the hour of their release is come; there they organize those combinations which keep the police ever on the alert, terrify honest people, and weary the tribunals of justice. A man enters after having committed a peccadillo; he goes out ripe for the central prison or for transportation.

6. *Saint-Lazare*. — This is a female prison, devoted to the treatment of women awaiting trial; women sentenced correctionally for a year or less; women sentenced to a central prison and awaiting removal, or to death and awaiting execution; girls sentenced to correctional education by the tribunals, or placed there by way of paternal correction; and prostitutes correctionally sentenced as a measure of municipal police. The legal capacity of the prison is for eleven hundred and fifty prisoners, but they often exceed that figure.

The prison is an immense pile, with an old and decrepit look. Originally a convent, it has been turned into a prison, for which use it is ill-adapted. With large courts, shaded by venerable trees, it has wooden stairways; dormitories under the roof; workshops, taken apparently at random, in any part of the building; huge refectories; lofty walls; a chapel sufficiently large but plain almost to nakedness; and a neat little oratory, occupying the site of the apartment of St. Vincent de Paul, which was the cradle of the religious order of the Lazarites.

For more than a generation the prefecture of police has sought to change this state of things. It has protested, argued, pleaded for a house to receive female prisoners under sixteen and girls in their minority, confined by way of paternal correction. It has no power, no budget; it can only supplicate. But the municipal council has turned a deaf ear; it had no money. Meanwhile magnificent barracks, splendid churches, a grand opera-house costing millions upon millions, running to I know not what figure, have been reared; but no house of rescue has yet lifted its walls where female children, who have fallen in a moment of forgetfulness, and whom it is necessary to save at any cost, and to give to marriage, to honor, to maternity, may find a retreat for repentance and amendment, away from the purlieus of public prostitutes and professional thieves. Some millions no doubt have been saved by not building, but for every one so saved many have been expended in punishment, with a moral waste of appalling magnitude.

And what has been the effect of this misjudged economy, which wastes souls to save dollars? Just what might have been expected. M. Maxime du Camp declares — and he offers very

striking proofs — that every young girl who enters Saint-Lazare, as a correctional, leaves it corrupted to the very core of the heart ; and that whoever becomes an inmate there is lost, unless saved by a miracle. These young female correctionals work in association, but have separate sleeping-cells. All the others are together day and night. In the dormitories the beds are pressed one against the other, and in the workshops the chairs touch. It is enough to mention this fact ; its corollary is but too obvious.

*La Santé.* — This is the model prison of Paris, and one of the best and most beautiful in Europe. It has been recently erected, at a cost of more than a million of dollars. The prison covers about seven and a half acres, is built in the form of a trapezium, and is quite separated from all other buildings. It forms, in fact, two distinct prisons, built on two distinct plans, and designed for two distinct classes of prisoners. One part is for prisoners awaiting trial (*prévenus* and *accusés*) ; this is on the cellular plan, and can receive five hundred inmates. The other is for convicted prisoners (*condamnés*), sentenced to correctional imprisonment for terms not exceeding a year ; this is on the associated plan, and is designed in like manner for five hundred inmates. It is composed of common halls, common eating-rooms, common workshops, and separate sleeping-cells. Each cell in this prison is twelve feet long, six feet wide, and nine feet high. So perfect is the ventilation that not the slightest disagreeable odor is anywhere perceptible.

Ingenious contrivances for overcoming grave difficulties and securing valuable facilities abound in this prison. To give an example : The altar in the chapel, which is in the rotunda (central apartment), is so placed that the officiating priest can be seen by every prisoner in the four wings of the cellular ward, the door of his cell being set a few inches ajar, and securely locked at that angle with the partition wall. At the same time, the folding doors of the associated part which forms the division between the two prisons at that point being thrown open, every prisoner in that ward has also a full view of the ministrant. This is but one among the scores of such contrivances to obviate difficulties and secure important ends not otherwise attainable.

*La Petite Roquette.* — This is a prison for male children of four classes : 1. Children under sixteen awaiting trial. 2. Children less than sixteen under sentence. 3. Children *en route* to agricultural colonies. 4. Minor children, sentenced to correctional imprisonment on request of their parents. It is on the cellular system. Think of it ! Babes, almost, shut up in a cell ! These children even have separate exercise yards. They have hoops to trundle in the few square yards allowed them. But the place is too strait ; the hoop strikes the wall after two or three revolutions, and the children, wearied by this mockery of play, sink down upon the

ground to dream of real amusements. Separation by day, separation by night, separation at meals, separation at work, separation at play, separation everywhere, separation always, — and that at an age when freedom, motion, a wide range, and the merry laugh of comrades are almost a condition of existence, and certainly an absolute condition of healthy existence. 'Tis the saddest prison I ever saw; and it would be intolerable if it were not for the noble "patronage society for liberated juveniles of the department of the Seine," which receives them at their discharge, and, with all the tenderness and assiduity of a loving parent, lifts them into manhood, virtue, and happiness. But what the children need, even before they reach the arms of this "nursing mother," is to quit those cramping, pinching, stifling cells, and to press the green sod, breathe the fresh air, and feel the warm sunshine of country life on some large, well-managed farm in the neighborhood of Paris.

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#### CHAPTER XXIII. — ADDITIONAL ITEMS.

AFTER writing the foregoing I received a communication from M. Fernand Desportes, from which the following items are gleaned. There may be a few repetitions (not many), in which however the facts will be stated in a different form and in different relations, whereby a fresh interest will be imparted to them. It will be better, perhaps, to translate than to summarize, for that will give more life and freshness to the statements made.

"In respect to children," says M. Desportes, "the law of August 5, 1850, still remains in force. By that Act we have numerous agricultural colonies, public or private (some of which are admirable establishments, such as Mettray and Crteaux for boys, and that of the Abbé Dodevin at Rouen for girls), in which children who have committed a felony or misdemeanor are placed for correctional treatment, having been either sentenced for punishment or acquitted as having acted without knowledge, but sent there in correction. Unfortunately we have nothing, or next to nothing, for children who, without having actually committed an offence, are nevertheless on the downhill of crime.<sup>1</sup> But we are at this moment engaged in an earnest study of the means of creating preventive establishments (*établissements de préservation*) similar to the admirable industrial schools of the United States and Great Britain. The sole progress thus far realized is the establishment of two reformatory schools, founded

<sup>1</sup> M. Desportes evidently refers here to government establishments only.



by the administration on the proposition of Director-General Choppin for children not exceeding, on admission, twelve years, sent there in correction by the tribunals.

"As an offset, patronage societies for liberated juveniles are multiplying. Apart from the great society of M. Bournat, with which you are well acquainted, we have patronage societies for Mettray, St. Foy (Protestant), and Crteaux. The latest societies founded are that of M. Felix Voisin, judge of the court of cassation, and that of M. Fourier, president of the council of inspectors-general, for liberated juveniles enlisted in the army. For young girls there exists also a certain number of patronage societies, besides that for liberated and deserted female children originally established by Madame Lamartine, and of which to-day the Countess of Luppé is president.

"So far as the patronage of adults is concerned, there exist at Paris the national patronage society, established by the late lamented M. de Lamarque; a society for *prévenus* who have been acquitted, founded by the late M. Demetz; a patronage society for discharged Protestant prisoners, of which Pastor Robin is president; another for liberated female prisoners of Saint-Lazare; still another for Protestant women discharged from the same. In the departments there are some forty organizations of the kind, of which the most active and important are those of Bordeaux, Rouen, Nancy, Lyons, St. Léonard, Versailles, etc."

## PART SECOND.

## BELGIUM.

## CHAPTER XXIV. — CELLULAR SYSTEM.

BELGIUM has, for a generation and more, gone on improving and perfecting her cellular system of imprisonment, till it has reached a point where there remains little room for further progress. The advance made within the last ten years, in all branches of the service and in all classes of prisons, has been very remarkable, insomuch that the work may be said to have received its last touches, and to be absolutely accomplished. Belgium is now furnished with a completed penitentiary system with day and night cells to the number of 4,702. This great work has been achieved at a cost, spread over forty years, of less than 20,000,000 francs = \$4,000,000. Not only is the system of administration and discipline one and the same in the central or convict prisons, but the régime of the secondary prisons (houses of safety and of arrest), throughout the whole country, is organized on a uniform footing. The divisions of the day, the furniture of the cells, the beds, the clothing, the visits, the sanitary arrangements, the classification, the scholastic instruction, the moral lessons, the keeping of the books, — all is uniform; all the same everywhere. Even the libraries and the mode of cataloguing the books in all the central prisons are the same; and this is true also of the houses of surety and of arrest.

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CHAPTER XXV. — CLASSIFICATION OF PRISONS AND SENTENCES.

THERE are three classes of prisons in Belgium, — houses of arrest; houses of surety and reform; and central prisons. A fourth must be added if the penitentiary colonies for juveniles are to be so regarded. The first are intended mainly for persons waiting trial; the second, for the same class of persons, and also for misdemeanants sentenced to correctional imprisonment; and

the third, for those convicted of felonies. To the second class are also committed females guilty of the higher crimes, as there is no central prison for women. The penitentiary colonies receive young offenders, who have been acquitted as having acted without knowledge, but are placed there for correctional education.

Besides the death-penalty (practically though not formally abolished), the Belgian code provides three grades of punishment, — correctional imprisonment, reclusion, and hard labor (*travaux forcés*). All, however, are obliged to labor, except those in *pistole* (a term to be hereafter explained); the main distinctions being the length of the sentence and the distribution of the *peculium*, — the part of the prisoner's earnings assigned to himself. Sentences to correctional imprisonment are from eight days to five years; to reclusion, five to ten years; to hard labor, ten to twenty years, or for life. The sentences were fixed when associated imprisonment was the rule. Under the cellular régime they are reduced as follows, wholly irrespective of conduct: For the first year three months are thrown off; second to the fifth, four months; sixth to the ninth, five; tenth to the twelfth, six; thirteenth and fourteenth, seven; fifteenth and sixteenth, eight; seventeenth to twentieth, nine. So that, according to this scale, a sentence of five years would be reduced to three years and seven months, and one of twenty years to nine years and nine months.

Nevertheless, there is a reduction dependent on behavior. It is not organized into a system, but may be explained thus: The local council of supervision assembles monthly, and, after examination made, recommends, if it see occasion, to the minister of justice a remission, additional to that mentioned in the last paragraph, of some months, or even of one or two years, in the case of this or that prisoner.

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#### CHAPTER XXVI. — SUPERVISION. — PECULIUM. — PISTOLE.

**M**ENTION has been made in the preceding chapter of a local council of supervision. Each prison, whether central or secondary, has such a council, consisting of the burgomaster, the king's attorney, and other local functionaries named by the Government. To it is committed the administrative supervision of the prison. It has the power of investigating complaints, correcting abuses, imposing punishments not within the power of the director, recommending remissions, approving or rejecting contracts for the labor of the prisoners, and supervising the execution of contracts for prison supplies made by the Government.



As regards the *peculium*, prisoners sentenced correctionally receive five-tenths of their earnings ; those sentenced to reclusion, four-tenths ; to hard labor, three-tenths. But while these and some other differences of treatment exist, other and more important ones have disappeared. For example : all prisoners are now correctionals ; all are in reclusion ; and none are kept at hard labor, in the sense of penal and technically profitless labor.

A usage, under the name of *pistole*, exists in Belgian and French prisons. It is defined by Littré, "Chambre apart et autres commodités qu'un prisonnier obtient in payant" (*a separate room and other privileges which a prisoner obtains by paying for them*). His sole punishment is detention. He is not obliged to work. He can be freely visited by his friends. He may have such furniture in his cell as he can procure, such food as he can purchase, such luxuries as he can indulge himself in. Books, musical instruments, flowers, etc. may be seen in his cell. The prison authorities can transfer a prisoner into this class, although he may not have been accorded the privilege of being in *pistole* by the judge, provided he is not known to have been in prison before. This seems a privilege extremely objectionable in itself, and extremely liable to abuse.

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#### CHAPTER XXVII. — THE PRISON STAFFS.

MUCH pains is taken in recruiting the prison staffs. Promotions take place, as in other departments of the public service, on the ground of merit. The employés begin, so to speak, on the lowest round of the ladder, and step by step, if the proper qualities are developed, they may reach the position of director of an establishment. It is this organization which constitutes the force of the penitentiary administration, and which gives it that *esprit de corps* by which it is distinguished. Formerly, the functions of director of prisons of a certain importance were confided to military officers, who had been pensioned off. That system was fruitful only of evil. A prison director cannot be improvised ; he must be formed by long training and experience. The best systems will yield but few or no results if the director lacks activity, intelligence, capacity, and devotion. Every thing depends on the head.

## CHAPTER XXVIII. — PROFESSIONAL EDUCATION.

SCHOOLS for the professional training of prison officers do not exist in Belgium. Fifteen years ago M. Stevens, then director of the central prison at Louvain, organized an evening course for the professional instruction of the keepers. Good results have attended this effort, which however he regards as quite insufficient to meet the necessities of the case. The creation of a normal school, he says, is much needed, into which could be received the new keepers named for the service of the prisons, and which would form a sort of *dépôt* to draw upon in all cases of need. M. Stevens finds nothing more extraordinary, nothing more opposed to the true and best interests of the service, than to take men, put on them the uniform of prison keepers, and charge them with the application of rules of which they know nothing. Herein he is in full accord with Wichern, Demetz, Beltrani-Scalia, Guillaume, Almquist, and other able specialists in the science of pœnology.

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## CHAPTER XXIX. — SCHOOLS. — LIBRARIES. — MORAL LECTURES.

ONE half of the prison population of Belgium, on their committal, are wholly illiterate. Of course there is an urgent need for schools in the prisons, which accordingly are provided. In effect, school exists in all the prisons of Belgium, even the smaller ones. An objection has been made to this; it has been asked whether primary instruction could yield any results in a small prison whose population changes so often? This is the answer: When the school does not succeed because the sentences are of too short duration, the time allotted to it still affords opportunity to give moral lectures, the aim of which is to impart to the prisoner a knowledge of certain truths which he may never have heard elsewhere in all his life. The scholastic instruction includes reading, writing, arithmetic, elementary notions of grammar, history, and geography, the elements of geometry and linear drawing, more particularly in their application to trades and the useful arts. The illiterate prisoners are made the object of special attention, to the end that they may learn to read in the shortest time, so as to facilitate their enjoyment of the reformatory benefits of the library, and afford them a useful entertainment during the intervals of labor and on festal days. The greater part of the prisoners acquire, before their liberation, at

least the indispensable elements of primary instruction. Libraries are found in all the prisons. These contain not only works of a religious and instructive character, but also romances, poetry, and other entertaining books, all of which however are of a moral and improving type. The prisoners are fond of reading, and spend much time in this occupation. Its influence upon them is found to be excellent.

Moral lectures of a colloquial character are constantly given to the prisoners. In these conferences they are instructed especially in their social duties. The lesson is addressed to prisoners of all religions, and relates always to some topic of simple morals. The administration aims by these lectures to reinforce the instructions of the chaplains, which are not always attended with complete success, because these official teachers are apt to deal too much in dogma, and do not enough teach and inculcate the spirit of religion. The subjects of the lectures are selected by the principal officers, who meet in council once a week. This special instruction is given in the school by the masters, fifteen to twenty minutes being devoted to it at the beginning or close of each school lesson. These lectures pass in review the principal vices that pervade society, and show their sad and shameful consequences. Alternately the lecture has for text the quality opposed to the vice treated of in the preceding one, and sets forth the beauty of the contrary virtue, and the material and moral advantages which it holds out to those who practise it. In a word, the lectures explain what the life of man in society ought to be, and show that its foundation must be laid in industry, virtue, and religion. Other instructions are given on the more frequent infractions of the penal code, particularly theft, fraud, rape, assault, assassination, murder, and indecent exposure of the person. In all these lessons the special aim is to develop the sentiments of justice, domestic affection, and love of country.

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#### CHAPTER XXX. — RELIGIOUS INSTRUCTION.

THE exercises of worship and religious instruction are organized with much care. The religious sentiment is regarded as the most important element in penitentiary education, and as affording the strongest foundation for it. The prisoners of different faiths receive the religious ministrations of clergymen of their respective communions. When a Protestant is imprisoned in a locality where there is no minister of his own faith, the administration does not hesitate to bear the expense of bringing to him such minister from another locality.



## CHAPTER XXXI.—PRISON LABOR.

THE industries introduced into the Belgian prisons of the highest class are shoe-making, tailoring, weaving, carpentry, smithery, coopering, book-binding, etc. The industrial instruction has for its object a real apprenticeship to some trade or business for all convicts who have not already mastered one, by the practice of which they may be able to gain an honest living in freedom. Accordingly it is held that in the prison workshops the interest of apprenticeship must lead that of production; that this interest ought never to be sacrificed to any alleged necessity for introducing into prisons productive labor for the benefit of the State; that the organization of prison labor ought to have regard to the future of the convict rather than to the interest of the public fisc; that labor is to be introduced into prisons with a view to giving to punishment a reformatory character; and that it is this last result, and not the financial question, which should be chiefly had in view in the organization and management of convict labor.

There is an extremely interesting paragraph in the report of M. Berden, director-general of prisons, relating to industrial labor in the secondary prisons, whose organization on its actual basis dates from 1869. He says:—

“It has been repeated to satiety that labor is one of the most potent factors in the reformation of prisoners, and that without it the amendment of convicts subjected to the cellular régime cannot be realized. To develop industrial labor, and above all to assure the professional education of the prisoners, is the imperious duty of the administration. But it is well known that the accomplishment of this duty encounters grave obstacles in establishments where the incessant movement of the population exposes every experiment to the constant hazard of failure. Thanks to the devoted co-operation of the local administrative councils and the *personnel* of the prisons, the administration has been able to conquer these great difficulties. Labor has come out victorious from the struggle, and the progress realized has been such that there can be no fear for the future. To be convinced of this it will be sufficient to place under the eye the results annually obtained during this septennial period; better than all reasonings they will carry conviction to the mind. I have thought that it would not be without interest to group these results in the statistical part which follows this report. This exhibit will enable the reader to follow the progress realized step by step, a progress which has surpassed all our hopes. There still remain, however, reforms to be accomplished in this branch of the service. The development of the professional education of the prisoners is far from having reached its apogee. It will be necessary still to find the means of giving it a more permanent success by the introduction of competent work-overseers, whose mission will be to initiate and perfect the prisoners in the practice of trades which will assure to them remunerative employment after their liberation.”

## CHAPTER XXXII.—PRISON HYGIENE.

THE sanitary state of the Belgian prisons is in general all that could be expected, almost all that could be desired. Especially is this true of the model prison of Louvain. On an average of six hundred prisoners in that establishment there are generally but four or five in the hospital, although it must be stated that only those are sent there whose cases require special care. Every prisoner has a cell containing one thousand cubic feet of air. There are prisoners who have been confined in the prison seven, eight, and ten years, and who have undergone this imprisonment at an age when they stand in the greatest need of activity, — young men, for instance, who entered Louvain at the age of eighteen, and were discharged at twenty-eight robust, well-educated, sound in mind and body, and capable of earning an honest living by hard work.

There are several special precautionary measures tending to keep up this very satisfactory sanitary condition, which will be alluded to in the following chapter.

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## CHAPTER XXXIII.—THE PRISONER'S DAY.

THE prisoner's day is regulated as follows: He rises at five o'clock in summer; the organ is played for a quarter of an hour to call him to prayers. At half-past five he breakfasts; at six he begins work, which is obligatory, and continues till noon, except an hour's promenade. The yard in which this exercise is taken is a garden planted with flowers and covered with verdure; even the gratings are concealed by climbing plants. This garden is fifty feet long and sixteen wide at the broadest extremity. From twelve to one o'clock the prisoners take their mid-day meal; during this hour they may study, read, write, or otherwise amuse themselves in their cells. At one work is resumed, and continued till five and a half. These hours of labor are interrupted and relieved by the weekly lecture and the daily school, each lasting for an hour. From half-past five to six the evening meal is taken. From six to eight and three-quarters the prisoners continue their work; then the organ is played for a quarter of an hour, and at nine they retire. But there are other alleviations and distractions. During his hour of toil the prisoner receives visits. All the employés of the house must visit him, and

all in their several degrees be agents for his reformation. Each keeper has charge of twenty-five prisoners. The keeper does not pass a part of the day in the corridor, as is practised elsewhere; on the contrary, it is his duty to be constantly in the cells, so that every prisoner is sure of having one twenty-fifth part of the day of his keeper. The prisoner receives, besides, the visits of the principal keeper, the three chaplains, the director, the sub-director, the schoolmaster, and the two physicians. There is a regulation fixing the number of visits which each functionary of the house is in duty bound to make daily. The director and sub-director must each visit twenty-five prisoners per day; the three chaplains must each spend five hours daily in the cells; and the two doctors, over and above their care of the sick, must each see twelve prisoners a day.

These visits are sufficient to keep the prisoners from being left too much alone; to make them more numerous, it is thought, might be an evil. It is necessary that the prisoner look upon the visit of any employé of the prison as a boon; in order that it may do him good, he must desire it; if it is too frequent, it might cloy, or even disgust.

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#### CHAPTER XXXIV.—PATRONAGE.

FORMERLY there existed in Belgium a complete institution of patronage or aid for liberated prisoners. There was at the chief city of each province a patronage committee, each having relations to the other, and all centralized in the ministry of justice. This institution has become extinct. It had a radical vice; it was an affair of state, wholly official. The prisoners did not like it, and would not avail themselves of it; they looked upon it as a sort of police supervision. M. Stevens expressed to the French parliamentary commission his desire to see for each prison a commission of patronage and supervision, charged with the duty of seeking the convict's reformation while in prison, and of finding a situation for him as soon as he is at liberty; but the hiatus still remains,—certainly a very grave one. Efforts have been made at various times to reorganize this work, but so far without success.



CHAPTER XXXV.—MORAL BIOGRAPHY OF PRISONERS.—  
QUESTION OF REWARDS.

A MORAL record of the inmates of the Belgian prisons is kept thus: To each prisoner is assigned a register in which are recorded, on committal, his sentence, his physical and moral condition, his intelligence, his degree of instruction, his weight, his manner of life, and his previous conduct. To test his education he is not only examined orally, but is required to write a few lines with his own hand. During his detention, notes are made of his conduct and morals. These notes are discussed at the weekly meetings of the prison council, and by them the moral classification of the prisoners is determined. However, this classification does not correspond to any gradation of rewards, because, says M. Stevens, the prisoner who behaves best is not always the best; therefore the Belgian classification serves only to show the prisoner just as he is. This is a little difficult to see, since the highest class would naturally contain the best prisoners, — a proposition formally denied in the immediately preceding sentence.

To the question put by a member of the French parliamentary commission, — why the classification, which served to distinguish the prisoners, did not provide rewards for the deserving, — M. Stevens replied that it was because they feared that hypocrisy would be fostered by recompensing good conduct. Besides, he added, exceptional treatment must be avoided, unless we mean to encourage an arbitrary use of power; the prison must be the same for all. The soundness of this view is not quite clear. It is not possible, without injury to discipline and a violation of justice, to treat refractory and disobedient prisoners in the same manner as the docile and obedient. But if a discrimination may be and indeed must be made between individual prisoners, why not between classes of prisoners? Arbitrariness, it seems to me, would be shown in treating the good and the bad alike, rather than by applying a modified treatment to the two classes. Providence stimulates men to virtue and industry by holding out rewards to the good and the diligent. Why should not prison authorities in their measure and degree imitate this procedure? So far as the methods of the divine government are imitable by human government, so far it is safe — I would say much more than safe — to follow them. “Work *with* nature, not *against* it,” is a maxim that ought to be applied, so far as it fitly may, to the management of prisoners as well as to that of all other beings who are moved by motives and not by mechanism. Even criminals, if we would make them better, need to be surrounded by motives more than by walls. The last are good, but the first are better. In my

opinion it is mainly because the prison systems of the past have ignored nature, — nay, cramped, repressed, and stamped it out, — that they have for the most part been such miserable failures; and I am persuaded that if we ever succeed, not as an exception but as a rule, in changing bad men into good ones, it must be by retracing our steps and reversing our processes; that is to say, by respecting, by converting to our use, by making available and effective for our high purpose, those great principles which the Creator has stamped indelibly upon the human soul, — and among the rest, SOCIABILITY, the mightiest as well as the most pervading of them all. I admit that all inmates of prisons, as well as all outside of them, should be treated justly; but justice as often requires diversity as it does identity of treatment.

#### CHAPTER XXXVI. — PUBLIC OPINION AS A GOVERNING FORCE IN PRISONS.

EVERY well-regulated community, every community in which the moral influences are sound and wholesome, is and must be largely governed by public opinion. The prison forms no exception, and I have no hesitation in expressing the conviction that the prison governor who does not know how, or, knowing, is not able to mould and fashion it to his purpose, is unfit for his place.

It has long been held that the intercourse of prisoners is and must be corrupting. Here are two propositions. The first, as descriptive of the past, is true to the letter; the second is denied *in toto*. To reason from what has taken place in one condition of prison discipline to what must take place in another and totally different condition, is as illogical as it would be to draw moral maxims from mathematical data. The intercourse of prisoners, left to take care of itself, will be corrupting; fitly guided and controlled, it may be made improving. It is Count Sollohub who has on this subject, with rare felicity, expressed a profound truth thus: "There is a contagion of good as well as of evil." It all depends on whose hands the prison is in, and whether he is fit for his post and knows how to use his opportunity. This contagion of good, — we all know what it is on the battle-field,<sup>1</sup> in a sea-fight,<sup>2</sup> in the uprising of a whole people,<sup>3</sup> in religious awakenings,<sup>4</sup> even

<sup>1</sup> Mark the effect of a ringing order of the day on the eve of a great battle.

<sup>2</sup> "England expects every man to do his duty." — *Lord Nelson*.

<sup>3</sup> "I am for my country against all assailants." — *Stephen A. Douglas*.

<sup>4</sup> Witness the effects produced by great preachers, — St. Paul, Wesley, Whitefield, and others.

in the theatre.<sup>1</sup> But has anybody ever established it in a prison? Yes. Maconochie did it in Norfolk Island, Montesinos in Spain, Obermaier in Germany, Crofton in Ireland, Demetz in France, Despine in Savoy; Mrs. Smith has done it in America, Guillaume in Switzerland, Count Sollohub in Russia.

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#### CHAPTER XXXVII. — CHARACTER OF THE DISCIPLINE.

THE discipline of the Belgian prisons is firm but humane. It is thought better to prevent evil than to punish it. When punishment becomes necessary, resort is had to chastisement, not to repressive severity. Such chastisement consists mostly in privations of the promenade, of work, of visits, and of correspondence; it is, as will be seen, moral rather than physical. The dark cell is rarely employed. The effect is found to be to demoralize the man, and lead to shameful practices. All bodily inflictions are absolutely prohibited.

It is looked upon in Belgium as important to keep up, as much as possible, family ties and family affections in the prisoners. To prevent the rupture of these domestic ties and the weakening or perhaps destruction of these domestic affections, the Belgian Government has decreed that, henceforth, correctional punishments shall be, as much as possible, undergone in the secondary prisons near the residence of the prisoner's family. It is considered an aggravation of his punishment that the prisoner be far removed from his home during his incarceration. To keep strong and bright the love of kindred and of home, frequent visits and letters are allowed to pass between the cell and the fireside.

It is claimed, and there is no reason to doubt, that the cellular system as practised in Belgium, and especially at Louvain, has for its object, above all things else, the education of the prisoner in his threefold nature of body, soul, and spirit. The idea of suffering is not ignored, for the punishment is serious, and the discipline, though just, severely strict. Nevertheless, all possible efforts are made to insure the scholastic, moral, religious, and professional instruction of the prisoner.

A different treatment is applied to prisoners awaiting trial and prisoners under sentence. To the former class a special ward is assigned. They are in the care of the most capable and humane of the employes. The healthiest and most commodious cells are

<sup>1</sup> Theatrical clap-trap consists largely in the introduction into the piece of high moral sentiments. There is nothing that "brings down the house" like an heroic word or an heroic act.



reserved for them. They are permitted to furnish their cells with objects brought in from outside. They may also procure food from without. In a word, every convenience is allowed them compatible with their position as prisoners.

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#### CHAPTER XXXVIII. — REFORMATORY AND PREVENTIVE WORK.

THERE are two government establishments for the treatment of juvenile delinquents, one at St. Hubert and the other at Namur. The former receives boys only; the latter, children of both sexes, about one-third of whom are girls. The average number at St. Hubert is about three hundred and fifty; at Namur, three hundred. These colonies are real houses of education, intellectual, moral, and religious. Until recently the agents, under the directors, have been religious brothers; last year these were removed from St. Hubert on a charge of immoral practices with the boys, and their places supplied by laymen. At St. Hubert the labor is chiefly — not wholly — agricultural, and the establishment draws its inmates from the rural districts; at Namur the labor is industrial, and its population comes chiefly from the cities, although, so far as the girls are concerned, they come equally from town and country. The course of instruction includes religion and morals, primary instruction, instrumental music, singing, gymnastics, military drill, and instruction in trades or farming.

The greatest possible care is given to professional apprenticeship. All thought of making the labor of these youths a source of profit is excluded. Nevertheless, there is a certain profit, as the contractor pays a stipulated sum to the administration, while this does not allow any part of the earnings to the youthful prisoners, acquitted as without knowledge. Contractors are admitted into these establishments, but the contractor is there only to multiply the number of industries. The contractor pays a certain sum per day, and receives for it the product of the labor. After a fixed time the amount is doubled; and after another period it is doubled a second time. This arrangement makes it the interest of the contractor to look carefully after the apprenticeship of the young workmen.

The children are separated at night. As regards the details of the internal management, it is sought to make them, so far as possible, like those of free life. Thus, the costume of the young prisoners is neither civil nor military. It is a special dress, but the farthest possible from that of the prisons.

Idle, vagrant, and viciously inclined children — not yet crim-

inal, but in peril of becoming so — are sent to the non-government preventive establishments at Ruysselede and Beernem ; the former for boys, the latter for girls. I have visited and inspected all these institutions, except that at Namur ; therefore, with this one exception, I am able to attest from personal knowledge the excellence of both the work done and the results attained.

## PART THIRD.

## SPAIN.

## CHAPTER XXXIX. — NOBLE WORDS BY MADAME ARENAL.

I HAVE received a report on the prisons of Spain from the hand of Doña Concepcion Arenal, a lady thoroughly competent in all respects for such a labor. Of this communication she herself, in concluding it, uses the following words, which, reversing their position, I place at the beginning: "Such is the state of the prisons in Spain, set forth with exactness, which ought never to be smoothed over by a pretended patriotism, because the love of country, so pure and so elevated, cannot take on the form of a lie. No, a genuine love of country speaks the truth, which shines like an aureole, blackens like sin, or wounds like a needle. Truth, alas! is not to-day an aureole for Spain. Her honest children ought to make her understand this, to the end that she may correct what is wrong; that she may blush on hearing the accusatory voices which come from beyond the mountains and the seas, accompanied by noble examples which she ought to imitate. The greatest evil and the greatest offence that can be done to a people is to flatter it; and those who are ready to sacrifice themselves for their country will never sacrifice the truth in her supposed interest."

In what I shall have to say about prisons in Spain little more will be attempted than to translate, with occasional condensations, the sentences of Madame Arenal. Whenever (if at all) statements drawn from other sources are introduced, special reference will be made to such authorities.

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CHAPTER XL. — PENAL LEGISLATION.

THE penal legislation of Spain, though it leaves much to be desired, still shows a progress far in advance of her penal practice, — that is, her mode of applying punishment. This fact is thus explained: Codes are easily translated. There are needed



only a few able jurists to improve them, and a few able practitioners to modify and apply them, when public opinion is not decidedly hostile, or when it has little influence. But to build prisons, which require large disbursements; to adopt systems, a knowledge of which can be acquired only by profound study; to have a *personnel* of great moral and intellectual elevation; to give to the penitentiary work the indispensable succor of a loving devotion, — it is necessary that the idea which looks upon the reformation of the convict as possible and rational, and that the sentiment of pity and compassion towards him penetrate society far more deeply than they have hitherto done. All this demands a public opinion enlightened and powerful, capable of overcoming the numerous obstacles which oppose penitentiary reforms, and of accepting the sacrifices which they exact.

Whoever, therefore, would form an idea of the penal justice of Spain must distinguish between penal legislation and penitentiary practice.

## CHAPTER XLI. — CLASSIFICATION OF PUNISHMENTS AND PRISONS.

THE punishments inflicted to-day in Spain are: Death; hard labor for life, hard labor for a term (*travaux forcés à perpétuité, travaux forcés à temps*); reclusion for life, reclusion for a term (*réclusion perpétuelle, réclusion temporaire*); the greater penal servitude, the lesser penal servitude (*presidio mayor, presidio menor*, — the *presidio* being a convict or central prison); correctional reclusion, correctional prison (*réclusion correctionnelle, prison correctionnelle*); forced arrests, simple arrests (*arrêts forcés, arrêts simples*); relegation for life, relegation for a term (*rélegation perpétuelle, rélegation temporaire*); banishment for life, banishment for a term (*bannissement perpétuel, bannissement temporel*); exile to an assigned place (*confinamiento*); exile.

There are others — fine, reprimand, etc. — of which we need not treat, because they have no direct relation to our subject. For the same reason we may omit the first and the last six, and confine ourselves to the remaining ten.

*Hard labor for life, hard labor for a term.* — This punishment is undergone in the convict prisons (*presidios*) of Africa, of the Canaries, and of Outre-Mer. Those who are sentenced to it work for the State at hard and painful labors. They wear a chain, of a foot length, suspended from the girdle. On account of age, or other circumstances, the court may release the convict from the obligation to work outside the establishment in which he is con-

fined by so providing in the sentence. A prisoner who is more than sixty years old receives his punishment in a central prison of the peninsula.

*Reclusion for life, reclusion for a term.* — This is applied in establishments situated within or without the peninsula. The convicts are subjected to hard labor within the establishment, for the benefit of the State.

*The greater and correctional penal servitude.* — The first of these is undergone in the peninsula, or the Canaries, or Balearic Islands, and the second in the peninsula. Those who are sentenced to it are obliged to work at hard labor in the establishment where they are imprisoned. The product of their labor is intended, (1) To render effective the responsibility resulting from the offence; (2) To indemnify the State for the expenses occasioned by the convict; (3) To afford some comforts to the convict during his incarceration, and to form a reserve fund to be paid to him on his discharge, or to his heirs in case of his death.

*The convict prison and the correctional prison.* — The first punishment is undergone in the peninsula, or the Balearic Islands: the second within the territorial jurisdiction of the court which pronounced the sentence. Those who are sentenced to this punishment do not leave the establishment to labor. They work for their own advantage, and at employments of their own choice, as far as possible; but they are subject to civil responsibility, and to that of indemnifying the State.

*Forced arrests.* — These are undergone in a special establishment, which exists for that purpose in the local capital.

*Simple arrests.* — These are undergone at the mayor's office, or some other house set apart for that object, or even in the prisoner's own house, if the sentence so declare.

Women never wear the chain; they are never sent away from the peninsula, and they never work outside the penal establishment.

All these distinctions and classifications are made by the law, to which the magistrates adhere in pronouncing sentence, but not the penitentiary administration, which, for its execution, would need establishments that are wanting to it. In the same establishment there are prisoners sentenced to hard labor for life, to hard labor for a term, to reclusion, to correctional imprisonment, etc., occupying, if the place permit (which it does not always), different dormitories, but mingled together during the day, — the honorable citizen, who has broken the law in a moment of passion, and the cruel, depraved, and incorrigible criminal. Neither the legislator nor the administration nor public opinion takes notice of the injustice and the absurdity that result from the fact that the code ordains, and the sentence pronounces, that which can by no possibility be reduced to practice.

All the prisons, as well the penal as those of preliminary detention (*carceles*), depend on the ministry of the interior ; which is a subject of regret and lamentation to all who know the evil influence of a demoralized politics, which makes itself felt in that ministry even more than in the others.

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#### CHAPTER XLII. — THE DETENTION PRISON (*Carcel*).

THE edifices used as detention prisons, with rare exceptions, were not built for that purpose, or they are of an epoch when people had no idea of what a prison ought to be. They are too small, are ill-arranged, and lack the proper hygienic conditions. The prisoners, pressed and mixed up together in these contracted and insalubrious places, are in conditions as fatal to health as to morals.

Each prisoner awaiting trial is allowed for his maintenance ten cents a day in some communes ; in others much less, — a sum quite insufficient considering the price of articles of prime necessity, — so that he who does not receive assistance from his family, or who does not procure some resources by means of his labor, lacks what is absolutely necessary. The accused who do not wish the ration of the prison may receive in money that which is assigned them, and can procure their food from outside the establishment.

The accused receive little or no clothing, or money to buy it ; consequently, as they are generally poor, they often find themselves in great straits, and even in a condition of the most lamentable nudity. Public charity is sometimes earnestly sought on their behalf ; but the appeal is not always responded to favorably ; indeed, it is oftener ineffectual than effectual.

The bed varies in different prisons. In some it is of straw, more or less dirty, spread on the ground. In others there are paillasses on the floor, one for two, three, or more prisoners, without sheets or spreads, if they have none of their own.

The accused who can pay for an apartment has generally a chamber, either for his sole occupancy or with another person of his class. This varies according as the prisoners are able to pay, and according to the conditions of the place ; but whoever the prisoner may be, the jailer always finds a way to afford some special accommodation to one who has the means of paying. However, such accommodation is only relative ; for the apartments of even those who are able to pay are not comfortable, though they may bring there their own bed and some articles of furniture.



Of classification, it may be said there is none. The sexes are separated; but all prisoners of the same sex are mingled in common dormitories and yards. However different the ages or the morality of the accused, they all communicate with each other. If there is any separation, it is generally more nominal than real; it is not favored by the arrangement of the buildings, and still less by the disposition of the employés.

The accused in general are idle; those who work do so on their own account and to their own profit.

In towns of some importance there is in the hospitals an apartment for the accused, where they receive the same care as the other patients, except that it is not quite so good. When there is no hospital to receive them they remain in the prison, where they get, according to circumstances, a tolerable attention or an inhuman neglect.

Despite long codes of regulations, the general rule is to adhere to none that is reasonable, and to continue in the practice of inveterate abuses, which may be reduced to three classes:—

1. *The exploitation<sup>1</sup> of the accused.*—This *exploitation* is exercised in an infinity of ways by those who are charged with the maintenance of order, who, by menaces, by violence, by vexations of all sorts, compel even the poor prisoners to contrive ways of getting money to buy off ill-treatment. This abuse increases in proportion to the importance of the prison; but there are few in which the accused are not *exploited*, as is proved by the disproportion which generally exists between the salary of the jailer and the expenditures which he makes.

2. *The privileges accorded to the accused who can buy them.*—These privileges range from entire liberty of action within the prison to that of going out on promenade or to visit the *café*, granted even to prisoners charged with grave offences. This last case does not often occur, but with sufficient frequency to give occasion to the director-general of prisons to write it in his report, — not for the purpose of proposing a remedy, but by way of setting off his subject with a certain sprightliness and wit.

3. *Vexations and acts of violence among the accused.*—These vexations are numerous in the prisons of large towns, where there are prisoners guilty of grave offences, — as is proved by the frequency with which a new comer is *exploited*, as well as by the

<sup>1</sup> To *exploit* and *exploitation* are not English words; but they ought to be, and, I venture to think, must be, introduced into the language, since there is no single English term which expresses their meaning. *Exploitation* is defined by Littré, the latest and best of French lexicographers, thus: "To make available, to bring out the product, — as to *exploit* a mine, a railway, a journal, a theatre, etc. To derive profit or advantage from a thing, — as to *exploit* the public curiosity. In a bad sense, to gain an unlawful or discreditable advantage from something, — as to *exploit* the public credulity." Littré speaks of *exploiting* a man, and among his definitions of *exploitation* is this: "Excessive profit derived from a man in employing him," — a definition which very well fits the present case, though it does not, as we say, "go on all fours."

blows, the wounds, and even the death of one prisoner at the hands of another.

Without suitable buildings, without punishment cells, with that old-time leaven of abuses of every kind, with the almost certain impunity of those who practise them, with employés whose disposition to do their duty, if they have it, encounters so many obstacles and so little support in public opinion and in the Government itself, — with all these opposing elements, it is hardly possible that there should be order in a prison ; and, as a matter of fact, for the most part there is none.

*The personnel (prison staff).* — According to the importance of the prison the jailer has or has not aids, — turnkeys and other helpers. Among these are counted the prisoners who are supposed to be capable of contributing to the maintenance of order, but who are a great element of disorder and immorality. To be an employé in a detention prison (*carcel*) there is needed no condition of education or morality ; even bull-fighters (*toreros*) are sometimes employed. Nor does the best conduct on the part of the employé furnish any guarantee of continuance in the service. In the prisons of large towns there is a chaplain and also a chapel where mass is celebrated.

*Visitation of the detention prisons.* — The magistrates and the judges visit the prisons once a week, but this visit has no effect to prevent abuses. As the employés depend on the ministry of the interior, they would make small account of the complaints of the magistracy, — which does not make any, with a few very meritorious exceptions.

*The transportation or passage of prisoners accused and convicted.* — There are no vehicles, cellular or otherwise, to convey them ; and little use, in general, is made of the railways for this purpose. Commonly they go on foot, escorted by the gendarmery (*guard civil*), passing nights and days in the transfer prisons (which are worse than the others), where the sexes are not always separated. During the journey men and women march together. These journeys which sometimes continue several months with cold, with heat, with rain, with snow, are very injurious to the physique of the feeble and to the morals of all, innocent or guilty, who will carry with them to the penitentiary, or to their homes, the disgrace of this shameful exposure, the rancor excited by ill-treatment, and the contagion of association with great criminals.

What a judge, Mr. Longué, brings to the knowledge of the minister of justice in a memoir addressed to him, may give an idea of the state of the detention prisons in the large towns. The following passage is extracted from his paper : “ One of the causes (perhaps the most potent) productive of crime at Madrid is the state of the judicial (*detention*) prison for men ; that is to say,

the organization, the discipline, the staff of employés, and the vices and customs of the *Saladero*.<sup>1</sup> This year (1878) there have been brought before this tribunal, for crimes committed in the prison, ninety-three criminal processes. The most frequent crimes are forged signatures, frauds, lesions, and illegal exactions, as well as unfaithfulness in the supervision of the prisoners. During the four years that the undersigned judge has been in this jurisdiction, he has had occasion to observe that certain crimes always find protection in the prison, and that it is, so to speak, their home. There is an *accusé*, who is at this moment at a hard-labor prison (*presidio*), against whom there have been instituted forty-one criminal suits for forgery and swindling in four years. Nothing of that sort would happen under a good system of surveillance, and with a different organization of the prison; it is inconceivable that such a thing should take place in the case of men who are *sub judice* and at the disposition of the public authority. Let it not be said that some faults must be tolerated in the employés, at least in that which relates to the administration of justice and this tribunal. Within the space of four years the undersigned judge has known five or six chiefs of the prison, and against nearly all there have been instituted criminal suits, and they have been convicted; and the same thing is true as regards more than thirty subaltern officials. At this moment indictments are pending against two chiefs, two sub-chiefs, and six or seven subalterns; the judicial authority cannot do otherwise."<sup>2</sup>

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#### CHAPTER XLIII. — THE PENAL PRISON (*presidio*).

THE classifications of the penal code do not go beyond the paper on which they are printed; practice does not adhere to them even in the letter; and there is only a word, *presidio*, — nothing more, — to designate the penitentiary establishments of Spain.

*Buildings.* — Of these there are "bad" and "worse" (*mauvais et pires*); none is fit for a penitentiary. A portion of that at Coruña tumbled down not long ago, and a considerable number of the prisoners were killed or wounded beneath the ruins.

*Distribution of the convict population.* — From the last prison statistics it appears that there are prisons which have 1,591, 2,242, and even 2,352 inmates. Such an accumulation would

<sup>1</sup> This is the name of the prison referred to.

<sup>2</sup> This seems incredible, but it is an exact translation of the French version by Madame Arenal of the original Spanish.



make order and correction impossible with the most perfect system, — of which there is none ; and in the moral and material conditions of the Spanish prisons the vast number of the convicts carries demoralization and disorder to the highest point.

*The food.* — This is supplied by contract. In the last contract the price of each ration was fixed at eight cents, including the lighting of the dormitories and the expenses of the hospital. On an examination of the conditions accepted by the contractor, the ration (considering the frugality of the Spanish people) appears sufficient for most of the convicts ; but the conditions are not fulfilled, and, what is more, they cannot be fulfilled, when the indemnity to be paid to the contractor and the price of the articles to be supplied to the prisoners are considered. The articles are ordinarily bad, especially the bread, which gives occasion to complaints, disturbances, and sometimes insurrections, when the guard is obliged to fire, and wounds and even deaths ensue. Though matters are not often for this cause carried to such an extreme, the relaxation of the discipline is constant. The ration given by the State being insufficient, supplementary supplies are tolerated. They are not, however, bestowed as a reward on him who merits them, but are furnished to him who can pay for them. From this abuse there result many others, to the prejudice of order and of equality before the law. That the ration furnished by the State is not sufficient the administration itself has admitted on different occasions, and recently in a circular of the director-general of prisons, in which he recommends to the chiefs of the penal establishments the use of chalybeate waters by the prisoners for the purpose of renewing their impoverished blood.

*The clothing.* — This consists of a shirt, blouse, jacket, trousers, cap, and sandals of twisted broom.

*The bed.* — The convicts have none, for that name cannot be given to the mat, — a piece of tissue of Spanish broom, — on which they repose with a coverlet over them.

*The dormitories.* — The dormitories are common and ill-ventilated, and as the supervision leaves much to be desired the moral consequences can easily be divined. The physical conditions are no better ; there are too many people and too little air, and this last is extremely foul. The prisoners call the dormitories “stables” with a great deal of fitness.

*Classification.* — If there is any classification, it is but nominal ; for neither have the buildings the necessary material conditions, nor have the employés either the idea or the strength of will to make at least such a classification as would contribute to the material order of the prison. In some prisons there is a room for young delinquents, but they communicate with the adults. When a convict is very intractable, he is sometimes conveyed to another prison, on the supposition that he will have less influence with

his new comrades, and that he will be less dangerous. Whether this supposition is realized, or, as is more likely, is illusory, and these changes of place yield as their sole result the propagation of a bad leaven and increase the probability of escapes, what is certain is that there is no penal prison for the intractable and the incorrigible.

*Labor.*—According to the latest official statistics (1879), of 16,562 convicts 4,370 worked in the shops, and 3,246 on public works; so that more than half are idle, or engaged in occupations prejudicial to the morals and discipline of the prisons. Among those laboring in the shops 1,054 work on account of the State, the labor of 758 is let to the highest bidder, and 2,688 work for individuals, the administration serving as intermediary. In all cases the convict is employed in the manner most convenient and most useful to the State or to the individuals who profit by his labor, without any thought of giving him an industrial instruction which will serve him as a resource to gain a living when he recovers his freedom. No reformatory aim is kept in view in the remuneration of the convict for his labor, by making it bear any relation to his conduct. Work ceases, therefore, in part to serve its chief object in convict treatment, and is even on some occasions actually opposed to that object.

There are eleven hundred and three sergeants of the birch (*caporaux à verge*, Fr.; *cabos de tara*, Sp.), who are generally guilty of the gravest offences. They learn no trade, and have no other occupation than that of helping to maintain what is called material order, to the prejudice of moral order. They contract habits of idleness, of imperiousness, and of striking terror into people of bad life, which is their manner of gaining prestige with them.

There are one hundred and fifty convicts employed in the infirmaries, who likewise learn no trade; and the hardness with which they treat the sick, and the acts of complaisance which they sell to them, are well calculated to render them more perverse.

There are one hundred and eleven convicts destined to be orderly officers, and they are equally unable to learn a trade.

In the offices two hundred and eleven convicts are employed as clerks, to the prejudice of good administration, good order, and justice. However bad may have been his antecedents and his morals, if he writes a good hand it is easy for the convict to fill these positions of trust and confidence which he abuses in so many ways; and, still further, as the directors and other functionaries in the administration of the prisons enter the service without any knowledge of it, as the regulations which they have to enforce are numerous, and as these are not collected and arranged in an orderly manner, it results that the employé allows himself to be guided by the knowledge of the convict, and it is very easy for this latter to mislead and compromise him.

The products of the prison labor are inferior in quality to the generality of those which are offered in the market. For that reason, and because there is no aim or effort to avoid an unjust competition with free labor, these products are sold at prices extremely low, increasing the tendency to lower the wages in certain industries, which is observed most in the labor of the women. As in the prisons they work little and ill, these low prices have produced some alarm in outside industries, which from time to time complain, censure, and even demand that there be an absolute prohibition against convicts' laboring. No measures are taken to avoid the evil which gives rise to these complaints.

*Instruction.* — Industrial instruction is such as that just mentioned in the preceding paragraph. Literary instruction is reduced to some notions of reading and writing, which are given to a small number of convicts (four hundred and eighty-one).

*Religion.* — It may be said that this powerful element of education and consolation is wanting, since the worship in the Spanish prisons does not deserve the name of religion. The mission of religion in one of these prisons, although it contain one thousand to two thousand convicts, is confided to a chaplain, who thinks that he fulfils it in saying low mass on feast-days, in procuring the presence during Lent of some priests to aid him in hearing confessions, and in administering the sacraments to those who are dangerously sick. He is even astonished if told that with such ministrations he does not fulfil his mission. The chaplain is an employé, like any other, brought down by his salary (two francs a day) to the rank of overseer, and who is held in no higher esteem. The chief of the establishment has very little consideration of him, and he inspires no greater in the convicts. It is not that they insult or are hostile to him, but rather that they regard him with indifference, — sometimes with disdain. A mission so difficult as that of converting malefactors — of changing thieves and assassins into Christians — is confided to the least instructed of a clergy by no means distinguished for its enlightenment, and who lack, besides, that ardent zeal and active charity which might in some degree supply the place of education. There may, says Madame Arenal, be exceptions which have not come to her knowledge ; but in general the administration has no idea of what these chaplains ought to be, and they themselves seem to be equally ignorant of it. It is thus that, in the prisons of Spain, impiety or religious indifference finds more stimulus than correction in an external worship which seems well-nigh mechanical, and which appears to have for its object to satisfy the law rather than the conscience.

*The hospital.* — The hospital premises almost always leave much to be desired ; sometimes they are very bad, and the attendance, confided to criminals, is worse than the premises.



There are no Sisters of Charity in the hospitals, and, if exception be made of the medical officer, the whole service is performed by convicts. It will be readily understood that they are not very compassionate towards the sick, nor very strict in adhering to the prescriptions, nor very firm against the temptation to let those prisoners eat and drink who give them a gratification. However, the strongest temptation does not come from the sick who have money, but from the contractors. In the food-contract are included the hospital supplies; and as the ration for the sick — to whom are given meat, better bread, bed, medicines, etc. — is much dearer than that of the prisoner in health, the contractors have a strong interest, —

1. That the smallest possible number of sick enter the hospital.
2. That they leave it as quickly as possible, either for the cemetery or the common dormitory.
3. That costly remedies be not ordered.
4. That the fulfilment of the contract be not exacted relatively to the food, the bed, etc.

Whoever has had some experience of these things, or he who reflects a little upon them, will understand whether this great and constant interest, with the means of seduction which are as constant and as great relatively to the persons to be seduced, must not give results extremely unfavorable to the sick.

*The prison-staff.*—The *personnel* of each prison is composed of a commandant, a major, two adjutants, an overseer for every one hundred convicts, and a sergeant (taken from among the prisoners) for every twenty-five. No condition of intelligence or of morality is required to be a prison employé, and one who discharges his duty with exactness has no guarantee that he will retain his position, and even less that he will be recompensed; and the case is very rare in which one who conducts himself badly is punished for it. Such being the condition of things, with salaries mean and contemptible, with the idea (little favorable) entertained of the prison-staffs, — an idea made public by the administration in a document printed and published not long since, — these employés cannot fulfil their difficult mission, nor even comprehend it. There are some exceptions of persons qualified for their work, — there have been notable persons, like Montesinos and Canalejas; but the rule is and must be that as long as this service is not well organized it will not be well accomplished. In the opinion of many persons, the security and order of the prisons depend on the sergeant, who are ordinarily chosen from among the homicides and assassins who have given proof of courage and hardness. It is to them that is confided the immediate and constant supervision of the convicts, upon whom they practise *immoral* impositions through the authority exercised

over the wicked by the more wicked. It is at once comprehended that such men will sell the impunity of offences to those who are able to pay for it, and will be furious, on calculation or through natural irascibility, towards those who have not the means to appease their perversity, which in this case is armed and protected by the law.

*Order and discipline.* — Order, in the vocabulary of Spanish prisons, consists in this, — that the prisoners do not raise tumults ; that they do not make too much noise ; that they do not refuse the bread or the soup furnished them ; that they rise and retire, come in and go out, at the word of command ; and that they do not stab each other with knives. When this last happens, the club or the musket is brought into play according to circumstances. It must however be said that tumult, violence, and assaults are not in proportion to the lack of work, of order, and of justice in the prisons. Why so ? Because, according to the firm conviction of Madame Arenal, Spanish convicts are in general docile, easy to be led, submissive, and have at bottom often hidden (sometimes deeply hidden) a certain honorableness and, in many cases, even nobleness. Consequently, she is of the opinion that a good penitentiary system would yield in Spain results the most desirable and the most satisfactory.

*Disciplinary punishments.* — On seeing the rod of the sergeants, whose use is authorized by the prison code, it will be understood that bodily inflictions make an integral part of the discipline. It may be said that the rod of the sergeant inflicts a punishment, not preceded by judgment, because it is assumed to be employed under a pressing necessity to maintain order, which would be endangered unless resort were had to it. The judge of this necessity is a criminal, and in general one of the worst of criminals. According to what is attested by persons worthy of credit, the bastinado is often inflicted, and even to a point where the victim is left in such a condition that he has to be carried to the hospital : but this is officially denied. Besides the rod, there is the punishment of the dungeon with or without a reduction of food, the chain, painful and disagreeable labor, and reprimand. As arbitrariness is an endemic evil in Spain, as those who are the victims of it submit without complaint in despair of obtaining justice, and as in the prisons justice may be withheld without the intervention of either authority or public opinion, it thence results that the severity of the discipline, the rigor of the punishments, the régime of the prison in short, depends largely on the director, and varies with him. At all events, disciplinary punishments have a material or physical character, and are intended to mortify the body rather than to impress and mould the spirit.

The organization of the regiment has been introduced into the prison ; there are a commandant, a major, adjutants, sergeants ;

the convict population is called a force, and the rules an order. This, which at first blush might appear only ridiculous, has proved extremely injurious, because the idea, thereby introduced, of substituting authority in the place of reason, breaks or compromises wills which, instead, ought to be rectified, made straight. Orders are not argued; they are enforced. It is the brutality of military procedure without the honor which diminishes its effects; it is the alliance of despotism and infamy. One can understand what sort of children will be engendered by such parents.

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#### CHAPTER XLIV. — SPANISH PRISONS IN AFRICA.

MADAME ARENAL observes that she has not visited these prisons, but that, being far removed from the supervision of the authorities and from the little influence that public opinion might have, and as the most perverted criminals are taken there, these establishments must be still worse than those of the peninsular. In proof of this she cites certain facts and enters into certain reasonings, which need not be repeated in this work.

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#### CHAPTER XLV. — PRISONS FOR WOMEN.

ALL that has been said of the prisons for men is applicable to those for women, with the following differences:—

1. Women never undergo their sentence outside the peninsula.
2. They never wear the chain.
3. They never work outside the penal establishment.
4. It is rare that disorder proceeds to tumult, and still more rare that it reaches the point of blows and wounds.
5. Escapes occur seldom, or even attempts to escape.
6. They are furnished with beds, mattresses, and sheets.
7. Those who have nursing children take them into the prison, and these children remain there sometimes to the age of eleven years. Many of them die; all become perverted; and although charitable persons have written and done much in behalf of these unfortunate innocents, they have not been able to move the administration to do its duty, and gather these little ones into a house of mercy. Some sympathizing ladies collect alms, and, aided at present by *L'Association Protectrice des Enfants*, carry



to these small prisoners a meal every day. They thus save the physical life of some of them, but it is impossible that they should save their moral life.<sup>1</sup>

There is no prison for young girls ; they are not separated — no, not even nominally — from depraved and incorrigible women.

8. The women's prison is in a different building, but in the same town as the men's prison, and the commandant is the chief of both, and directs their administration, disciplinary and financial. The employés in the female prison are women. They have no other charge than that of keeping order ; and if it fall into decay, they are powerless to re-establish it. They belong to a low class, and their merit is lower still. They have no prestige, and generally are not worthy of it. Even when there happens to be some honorable exception, it is a rare thing that it is appreciated, and that the person who forms such exception is not dismissed from the service unless supported by influence.

The convict women of Spain find themselves in worse conditions, both material and moral, than they were some years ago. This is due to the unfortunate idea of bringing them all to Alcalá, without a suitable building, without a *personnel*, without régime, without any thing, in short, that might lessen the inconveniences resulting from the accumulation.

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#### CHAPTER XLVI.—EFFECT OF IMPRISONMENT.

THE punishment undergone in these conditions is neither exemplary nor correctional, and it mortifies and humiliates precisely in the inverse ratio of the convict's perversity. If the punishment does not intimidate, neither does it reform ; and one of the rare cases in which all Spaniards are of the same opinion is, that the convicts leave the prison worse than they entered it.

If this is so, how happens it that, according to official reports, there are only fourteen per cent of recidivists ? Because the police is very bad, the administration of justice very imperfect, and the criminal statistics very inexact. If it were not so, it would follow that the worse the penitentiary régime, and the more corrupting the penitentiaries, the smaller is the number of

<sup>1</sup> How strange, how inconceivable, how incredible this sounds ! In the State of New York, female convicts who have sucklings are permitted to keep them in prison as long as a mother's care is absolutely needed ; but no longer. When this necessity ceases, they are removed to some suitable institution, where the life and health of both body and soul are cared for, and they are "trained up in the way they should go." Does the Spanish Government wish to make criminals of these little ones ? What terrible responsibility !

recidivists. As this conclusion is inadmissible, it is impossible to admit the *data* that lead to it. The truth is that *récidive*<sup>1</sup> (relapse), unknown or unpunished, does not appear in the statistics. In a word, it seems impossible, to-day, to say with exactness, or even approximately, what is the *récidive* in Spain.

To the reasons mentioned above why punishment is neither deterrent nor correctional must be added the abuse which is made of the right of pardon, the prerogative of clemency. Its right use is perhaps impossible everywhere; but even an approach to it is difficult in Spain, where there are no means of ascertaining who are the convicts that deserve pardon, which is obtained by favor or by chance. To crown the injustice, the pardon of criminals and the commutation of punishments are bestowed in mass, in honor of political events, which are called *fastes* (lucky days) by those who find themselves favored in their interests or satisfied in their passions.

#### CHAPTER XLVII. — PRISON REFORM.

ON seeing the state of prisons in Spain, on reading certain documents that have emanated from official centres, on observing that nothing has been done for that which is most essential and most urgent,—namely, to organize the *personnel* of the employés, so that it may in some degree approach what it ought to be,—giving attention only to these facts, one would say that as yet there has reached the peninsula no knowledge of penitentiary systems, and that, more isolated from the rest of the world by her ignorance than by her geographical position, Spain has no idea of either the justice or the advantage of a reform of her prisons.

Such a conclusion would, nevertheless, be wide of the truth. For, although in small number, there are persons in Spain who are earnestly studying the question of penitentiary reform, who ardently desire it, and who are seeking to obtain it with a steadfastness of purpose and of effort which is proof against the disdain of the public and the indifference of successive Governments. Some literary and scientific bodies have proposed theses and have awarded prizes, in which theses the writers have treated of the manner of applying—that is, of executing—punishment. In political gatherings some voices have been raised against the shame-

<sup>1</sup> This is another French word that needs to be domesticated in our language, as so many others have been. *Relapse, recommitment*, come nearest to its meaning; but there are many occasions on which neither will answer. *Régime* has become completely Anglicised; why may not *récidive*?

ful state of the prisons, and the administration has proposed and the legislature (*las cortes*) has voted the erection of a prison with one thousand cells, which is already well advanced, as also another of nine hundred cells not yet commenced.

Although with a precipitation not well considered, the administration ordered, two years ago, that the mayoralties should immediately take measures to convert, according to models furnished them, all the judicial or detention prisons (*carceles*) of Spain into cellular establishments. The models were not good, the time was insufficient, the plan (if plan there was) was not conceived in a manner to give good and speedy results, and has not given them. The mayoralties act very leisurely in forming plans, lacking generally the intelligence necessary to frame them and the faith needed to carry their projects into effect. The difficulty depends, —

1. On the little interest which public opinion accords to this matter.

2. On the state of impecuniosity in which the communes find themselves, — overwhelmed with obligations and debts.

3. On the absurd dimensions (with proportionate cost) which it is sought to give to the judicial prisons. There is a town where, by rare exception, there will be some single accused person deprived of his liberty, and where the judge asks for one hundred cells! This joined to the slowness of the proceedings, — a slowness described by an expression fearfully graphic, and according to which the accused *rot* in the prisons, — makes it difficult, and in fact will make it impossible for a long time to come, that they be converted into cellular prisons. If the detention prison proposed were what it ought to be, the reform could be accomplished within a period relatively not very long.

The Government has named a commission of penitentiary reform to study this grave question and give its advice. This commission is badly organized; because the persons composing it, not being compensated for their labor, employ in the investigation only the time allowed by other occupations on which their living depends, so that they work little and accomplish little. The administration proceeds by feeling its way, does little, and that little not well; but it essays something in the way of reform, which formerly it never did.

If it cannot be said that public opinion occupies itself seriously with the question of prison reform, at least there is no doubt that it gives some signs of life.

At Madrid a private citizen conceived the idea of creating a house of correction for juvenile delinquents. He made an appeal to the public, which responded with considerable contributions. These not being sufficient he abandoned the project, less it would seem for want of money than from that of a fixed purpose and a well-considered plan.



## CHAPTER XLVIII. — GROUNDS OF ENCOURAGEMENT.

THE departmental council (provincial legislature) of Barcelona sent at its own expense a representative to the Penitentiary Congress of Stockholm, and made to the Government a proposition to build a house of correction for the prisoners of Catalonia, without other recompense than to receive for each prisoner what he now costs the Government. In the same city of Barcelona it is seriously proposed to form a general society for the promotion of prison reform.<sup>1</sup>

A patronage society has been organized at Valencia.

The citizens of Seville have memorialized the Government on the advantage that would accrue from utilizing the railways for the transportation of prisoners and from constructing cellular carriages for that purpose. Here and there from time to time are observed tokens that the penitentiary question is not absolutely a stranger to the people of Spain.

There exist books, pamphlets, and an occasional article in a journal on penitentiary subjects ; and, although they are little read, it is always necessary to begin by writing.

If we compare what is done in Spain with what is done in other countries, the comparison, says Madame Arenal, is very sad ; but if we compare what was known and said ten years ago on the subject of prisons with what is known and written to-day, there is reason to feel consoled and encouraged. In seeing the penitentiary practice so vicious and so deplorable ; in seeing the administration so little in earnest to call competent persons to its aid, so deaf to their counsels, so obstinate in yielding to politics and to favor the appointment of prison employés both small and great, — in seeing it without plan and without system, one feels a painful impatience. But history intervenes to calm that impatience, showing that these are not things peculiar to Spain, but belong to the whole world ; that imprudence, negligence, ignorance, are the heritage of the race as well as logic, order, justice, reason. History shows also that in other countries and during long periods these causes gave for result efforts apparently useless, evils that seemed incurable, and slow progress in reform. But, in spite of all, thought is translated into action, though with much difficulty it makes way, and reform will come. *Mens agitat molem.*

Those who are to-day seeking to realize penitentiary reform in Spain resemble workmen who lay the foundations of the structures they propose to rear at the bottom of the sea ; they

<sup>1</sup> This purpose has been carried into effect, as will appear further on.

work, work, work, — who knows at what profound depths? — and nothing tangible, nothing substantial appears. But the work advances without being seen; and when it becomes perceptible to the multitude, it is almost finished. Then those will no longer be living who laid the foundations, — those who under many atmospheres of indifference had been able to live, breathing hope, love, and faith. For them we must hope that Spain is not excluded from the communion of the just, nor blotted out from among the nations that believe in the regeneration of their criminal children, and which make that regeneration possible.

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#### CHAPTER XLIX. — ORGANIZATION OF A GENERAL PRISON SOCIETY.

THE General Association for the promotion of penitentiary reform in Spain, referred to as in contemplation by Madame Arenal in a former paragraph, has been organized under the lead of Señor Don Armengol y Cornet, — to-day without doubt the foremost man, as Madame Arenal equally beyond doubt is the foremost woman, in Spain, of all those who take an interest in and labor for the promotion of the cause of penitentiary reform in that country. A few weeks ago a large and enthusiastic meeting was held in the city of Barcelona, composed of the most eminent citizens in all the professions and walks of life, at which the proposed association was inaugurated under auspices the most hopeful and promising. It would occupy too much space, besides being out of harmony with the main design of this work, to enter into a detailed account of what took place on that occasion. I can only make room for the closing words of Señor Armengol's speech, which was but one of several, all breathing the same spirit: —

“The child who to-day enters within the walls of a prison for a mere bagatelle to-morrow will go back as a thief, later as an assassin, and he will end by coming out of it to mount the steps of a gallows. Visit the courtyard of a prison, and ask the unfortunates whom you find there, and they will answer with a most just and crushing reproach, before which we all ought to bow the head, ‘*We are criminals because society used no means to make us virtuous!*’”

CHAPTER L. — FURTHER ITEMS TOUCHING PRISON WORK  
IN SPAIN.

SINCE the foregoing chapters on Spain were written I have had the honor to receive from the illustrious Señor Don Fernando Cos-Gayon a discourse pronounced by him on the 15th June, 1879, before the Academy of Moral and Political Sciences, at a meeting over which the king himself presided. The subject of his discourse was the prison problem, and in it was contained much relating to that problem as connected with his own country. What is most needed in Spain at this moment, according to Mr. Cos-Gayon, is information, — the diffusion of ideas. When the necessity of any reform is fully recognized by public opinion, he says, it is quickly realized, at whatever cost of money or effort ; whereas, if the administration of the State by itself, and without the concurrence and aid of public opinion, undertake such a reform, the first serious obstacle will be apt to put an end to it. Therefore, to-day the most important thing for Spain is discussion, — the wide diffusion among the people of the true theory of penitentiary reform. The illustrious orator draws a sorrowful picture of the state of things in Spain, even down to the present hour. Among other things he says : —

“Of agricultural colonies for young criminals, which have had such large success in other countries, we have no knowledge whatsoever from our own experience. Of the various combinations contrived elsewhere for the gradual recovery of his liberty by the convict, none has been tried here. No societies have been organized to extend a helping hand to the liberated prisoner at the critical moment of his leaving the penitentiary establishment. We have held no national prison congresses ourselves, and scarcely taken part in those of an international character. Neither in prison literature nor in the management of prisons have we had specialists who have devoted their whole life to the study of penitentiary problems.

“All the books, pamphlets, and fugitive articles on these subjects in Spain would form a very scanty library, not at all comparable to the abundant publications in our country on other subjects. The laws and administrative provisions which we Spaniards have till now enacted would fill a very restricted space in the history of the already vast comparative legislation on penitentiary systems. Not even has there been attempted any reform in the prison system to give effect to the provisions of the code relating to the various penalties therein enacted. In nothing has the advance of our country been so slow during so long a time. Neither in science, nor art, nor administration, nor material improvements, nor in the progress of manners, nor in any thing else whatsoever, has there been encountered an example of an apathy so prolonged and absolute in the presence of reforms undertaken and pursued with ardor everywhere else.

“Nevertheless, this inactivity has for some time been growing less. The Spanish Government not long since commissioned a veteran publicist to



examine the most important prisons in foreign countries, and afterwards sent an official representation to the Congress of Stockholm. The legislature has made provision for a vast cellular prison in Madrid, whose construction the public administration is pushing forward with activity. The initiative of a private citizen has also undertaken the establishment, in the environs of the capital, of a reformatory for juvenile delinquents. His excellent plan has been accepted, although contributions have not, so far, corresponded to the importance of the project. This illustrious academy opened a competition between writers who might desire to discuss one of the most interesting among penitentiary problems, and it had the satisfaction of receiving manuscripts, worthy of its prizes, due to pens already repeatedly employed on this branch of knowledge. By the side of the ministry of the interior (*gubernacion*) there has been established a council (*junta*) of penitentiary reform, and an institution in aid of discharged prisoners and deserted children. In the ministry of grace and justice has been opened a general registry of prisoners, which must be attended with considerable advantage in rendering more prompt the administration of criminal justice, in perfecting penitentiary statistics, and in securing a more righteous application of penalties."

My friend and co-worker, Señor Don Francisco Lastres, one of the official delegates from Spain to the Congress of Stockholm, writes me from Madrid that the Government has commissioned him to visit and inspect some of the more important of the European prisons, and especially to make a close examination and study of the great normal school at Rome for the training of prison officers and employés, inasmuch as the Spanish Government has the thought of creating a similar establishment at Madrid, or some other point which may be deemed more suitable. This is a very important and a very long stride taken in the direction of solid and lasting prison reform.

.Mr. Lastres mentions other reforms, of no little importance recently introduced. These are: 1. A decree of August 12 most important, because its tendency is to create an excellent body of employés for the convict prisons by requiring of them special aptitudes, and by securing to those appointed conformably to said decree permanence in their positions so long as they discharge their duties satisfactorily. 2. A decree of the 1st September, having in view a classification of prisons by creating a special prison for young men under twenty years of age, and another for political offenders and persons convicted of crimes against honor (slander, etc.), which can only be prosecuted on complaint of the aggrieved party. 3. Another decree of the same date, organizing the *personnel* of the detention prisons on the same basis as those of the decree of the 12th August relating to the employés of the convict prisons.

Thus has the good work been begun in earnest in Spain, and it seems to be moving forward, if slowly, nevertheless prosperously. The next decade is sure to witness progress as vast as it will be gratifying.

## PART FOURTH.

## TURKEY.

## CHAPTER LI. — BLACQUE BEY'S LETTER TO THE AUTHOR.

FOR eight years I have sought with diligence to obtain from the Sublime Porte some official report on the penal system and penitentiary administration of the Turkish Empire. I have received through our American ministers many fair words, many expressions of sympathy and interest in the cause and work of prison reform, from successive ministers of justice in the Turkish cabinet, but no syllable of information from an official source. The nearest approach to it was in a communication received from Blacque Bey, Turkish minister at Washington, in 1872, apologizing for his absence from a public meeting in the interest of prison reform at New York. I cite this letter *in extenso*, that I may not be charged with keeping back any word or syllable, vouchsafed from any quarter, having the slightest semblance of an official character. The letter thus referred to is in the following words:—

WASHINGTON, Jan. 22, 1872.

DEAR SIR, — I very much regret that indisposition will keep me from fulfilling my promise; but you will allow me in this way to present some of the ideas that I would gladly have imparted to the meeting if I had been able to address it in person. Although prison discipline in Turkey has been for a long time neglected for the want of initiative on the part of gentlemen like yourself, who are led by a commendable philanthropy to devise the means of relieving, morally as well as physically, the unfortunate whom justice has visited with punishment, yet there is a fact which cannot be too much dwelt upon: never, during the six centuries of the existence of the Ottoman Empire, has imprisonment for crime given occasion to such tortures as are disclosed by the history of civilized nations in Europe. The religious faith that impelled the Ottoman people to conquest, and did so much towards their grandeur in former times, never degenerated into cruelties, either in their social or political organization. Universal philanthropy and charity are the broad and immovable bases on which the Mahometan creed rests.

Solitary confinement does not and never did exist in Turkey. Prisoners live in common, divided into classes, and receive the same food as soldiers. The prison recently established on the Place d' Hippodrome, in Constantinople, which I visited a few months ago, is a prison of the first class. It

contains more than six hundred convicts, for various terms of sentence. Imprisonment in Turkey cannot exceed twenty-five years. I saw in this remarkable establishment — formerly used as a barrack for janissaries, but since with the most careful solicitude appropriated to its present use — several large, longitudinal, well-aired rooms, on either side of which are small apartments for the beds of prisoners. Each inmate has a cotton mattress, a bolster, and a thick blanket. These are unfolded on the wooden floor at night, and folded again in the morning to serve as seats for the prisoners. There are both Mussulman and Christian chaplains; an infirmary, superior to many public hospitals; a dispensary; a large marble bath-room, divided into several compartments, where the prisoners are required to bathe weekly; a number of yards for taking air and exercise twice a day; an agricultural and horticultural garden; various workshops for divers industries, from watch-making to smithery; a spacious laundry; a school for juvenile prisoners; and, finally, a private kitchen, in which, *as a reward for good conduct*, convicts are allowed to prepare at their own expense such extra dishes as they may choose.

There is, moreover, close by the establishment a little bazaar, where the industrial products of the prisoners are exhibited and sold on their own account.

Unfortunately, I am not able here to give you the rules and regulations of this prison. But on my recent visit I saw three spacious and well-ventilated cells, more or less darkened, where prisoners are confined who have been insubordinate; and I know that corporal punishments, such as the Russian knout, the English cat-o'-nine-tails, or rods of any kind, which are so commonly used in European prisons, are entirely forbidden in this establishment.

In brief, after having visited several prisons in London, Paris, Toulon, and other parts of Europe, speaking conscientiously and without any feeling of national pride, I must declare that, although the prison in Constantinople lacks the monumental appearance and proportions which render some European establishments of this kind so remarkable, yet, as a compensation, it is unquestionably, as far as the ideas and principles you are seeking to propagate among civilized nations are concerned, superior to those I have seen anywhere else.

With assurances of distinguished consideration, I have the honor to be, Sir, your obedient servant,

BLACQUE.

Such is the letter, which speaks for itself and its author. It will not be regarded as a very sharp criticism to characterize it as of rather high *couleur de rose*.



## CHAPTER LII. — PRISONS AT ERZROUM, ADRIANOPLE, AND CYPRUS.

**F**AILING to obtain the information sought from official sources, I have endeavored to procure it elsewhere, especially from a most intelligent gentleman long resident in Turkey. This person sent me a copy of a letter, describing "a Turkish prison in Cyprus," by Mr. Archibald Forbes,<sup>1</sup> special correspondent of the London "Daily News," — a prison attached to the konak, or governor's palace of Nikosia. My friend, in a letter accompanying the transcript, says : —

"Possibly you may not have seen this letter ; I have therefore had it copied for you. I have not forgotten my promise to write you in regard to Turkish prisons, but since my return to Turkey I have not been in the vicinity of any of the great Turkish establishments of this sort. On my way here I stopped a few days at Constantinople. While there I applied to the head of the Protestant community for any information he might be able to give me. He promised to see if he could obtain for me some official reports in regard to the state of the prisons in this country. These reports I intended to send you. Hagop Effendi, however, assured me that the Turkish Government was so suspicious in these days that he did not hope for much success in seeking for information on such a point.

"I once visited the large prison at Erzroum, and subsequently the one in Adrianople. There were about six hundred prisoners in each. The prisons corresponded precisely to the one in Cyprus described by Mr. Forbes in the letter to the 'Daily News.' The prisoners were loaded with immense chains. Six poor Protestants were thus burdened, and kept in the prison at Erzroum for six months. They were convicted of no crime, and were at last released without a trial. The charge was a trumped-up one by persecuting Armenians. Turkish judges were bribed, and Protestant witnesses were driven out of court."

Mr. Forbes writes as follows : —

"This prison has nearly six hundred inmates ; and among them are malefactors of every dye, — murderers, robbers, political prisoners, forgotten suspects. I have seen not a few horrible sights. I have ridden across a battle-field on which lay five-and-thirty thousand dead and dying soldiers ; I have seen a whole field full of famine-stricken miseries ; I have frequented the pest-houses of Metz after the siege, where lay neglected the wretched victims of black small-pox and spotted typhus ; I have trodden the corridors of the Grand Hotel of Paris, heart-sick because of the foetid effluvia from pyæmia, sloughing wounds, and hospital gangrene ; I have seen the bodies of men who had been roasted alive ; I have been in a

<sup>1</sup> Of world-wide renown for honesty and accuracy, as well as for energy and ability.

cholera hospital, — but never have I witnessed a more noisome spectacle than that which these foul dungeons in the Nikosia Konak afford. There is no concealment of the cursed shame of the thing. The official rooms of the governor overhang the courtyard of the prison ; and the pasha, as he smoked his hookah, had but little other view than the putrid courtyard in which the prisoners, who have a measure of liberty, swarm in their clanking chains. I wonder that the very stench of the place did not sicken him. I read that the night before we left England questions had been put in Parliament on the subject of slavery in Cyprus. What slavery exists in Cyprus is domestic servitude of the generic Eastern character, — a theoretic rather than a practical evil. But here in this prison is an institution which puts the slavery of Louisiana into the shade, and which puts humanity to the blush. Yet the Turks seem to accept it as a matter of course. I entered the konak, and a Turkish officer with a polite bow asked me if I cared to see the prison, much in the tone that the warder at Holyrood asks the tourist if he has a mind to see Queen Mary's rooms. I assented ; and he handed me over to a little bow-legged fellow who sat outside a wicket-gate in a palisading that ran across the courtyard of the konak. Dante might have visited this pandemonium to gain ideas for his description of the Inferno ; but the Turks are not blessed with sentiment, and there is no inscription over the gate. Entering through the wicket, I found myself in a narrow courtyard, surrounded on three sides by gloomy stone walls, broken by heavily barred windows, with here and there a strong wooden door. From under each door oozed a gutter of inexpressible fœtor, — the naked sewage of the loathsome dungeon inside. I was at once surrounded by a horde of prisoners of villanous aspect, all or nearly all manacled in the most curiously diverse fashions. Some wore a heavy chain, one end of which was fastened to a clumsily massive shackle round the ankle, the other tied up around the waist. Others merely wore this grim anklet with no chain attached. Yet others had a huge link fastened to the anklet, which was worn against the outside of the leg, and fastened into position by a leathern garter. These were the 'liberty' men, to whom so much favor is accorded by reason of long imprisonment coupled with good conduct, — who are not huddled into the dungeons, but are allowed to loaf out here in the courtyard. A long gloomy passage opened out of one end of the courtyard ; and this I entered, encompassed by the concourse of villains, and with no other escort than the little bow-legged warder of the gate. Into this passage looked several barred windows, and behind the bars there glowered and strained the close-set faces of the more dangerous prisoners. What ruffianly faces most of these were ! faces the expression of which — wolfish, ferocious, hungry for blood, sardonic, utterly devilish — made the flesh creep. With every movement there was the clank of chains, for every man wore fetters. The expression 'hugging his chains' I have hitherto regarded as a mere allegorical figure of speech, but now I was to see the literal reality. The crowd around the window gave back, and there approached a tall, stalwart figure, somewhat bowed down by some heavy burden that he carried in his arms. He stopped and laid this burden down, and then stood erect, — a Hercules of a man, with a face out of which every thing human save the mere lineaments was erased. And what think you was his burden ? It consisted of a mass of heavy iron links knotted up into a great clump, and fastened to

the man's ankle. Its weight was eighty oaks, or one hundred-weight ; and when he unravelled it and stretched it out on the ground, I saw that it was about fifteen feet, and resembled in the massiveness of its links the chain-cable of a trading schooner. What had been the man's crime?—Murder. How long had he been in prison?—Six-and-twenty years. Had he worn the chain all that time?—Yes. Great Heaven, were not death infinitely to be preferred to such a fate ! Never to be able to move throughout all these long years without hugging to his bosom that huge knot of iron ! I passed on along this gallery of crime and misery, till the spectacles and the stench sickened me, and I had to escape to purer air. The memory still haunts me of the ghastly faces at the barred windows, of the clank of the trailing chains, of the indescribable fœtor of the air in which a human being has clung to life for six-and-twenty years. This abomination must be swept away without delay. We have received from the Turks the legacy of a fair island, ruined by their neglect and rapacity ; but it is not possible that we can include in the acceptance such a horror as this. His Excellency has made energetic demands on the Porte that it without delay cleanse Cyprus from this reproach on an age of civilization. The Porte, I believe, promises to send for its prisoners ; but it does not do so, and there they remain."

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#### CHAPTER LIII.—GENERAL CONDITION OF TURKISH PRISONS.

I HAVE received a further communication from an American residing in Turkey, under date of June 17, 1879, in which he says :—

"The penitentiary system in this empire is scarcely worthy of the name. The prisons are simply places of detention, where prisoners or convicts can be kept securely ; and no attempt is made at reforming them. There is no such thing as a reformatory institution in the country. Convicts after being released, having served their time, are more hardened in crime than when convicted. In the provinces the prisons are even worse, if possible, than here. Reforms in this direction are greatly needed ; but where there is so much required all over the empire, it is probable that the prison system will be one of the last things that will receive attention. Reforms in every branch of the public service, from the highest to the lowest, are much spoken of and promised ; but as yet nothing has been done, and the excuse is the extreme penury of the Government and the great disturbances to which Turkey has been subjected for the last years. Elaborate systems of reform have been planned and announced, but I have heard nothing suggested in regard to the amelioration of the physical or moral condition of convicts. Education of the people as a possible preventive of crime receives but little attention on the part of Mahometans. In some of the European provinces which have shaken off in a degree or altogether the Ottoman yoke a laudable ambition is manifested to bring



the people up from the state of deep debasement into which they have sunk from centuries of despotic government. The rayahs are beginning to raise their heads, and show in numerous instances that all they require is freer and more liberal institutions to take again the intellectual position that their ancestors once held in Europe.

"Prisons in Turkey are, I repeat, simply places of detention. Persons are kept in them to await trial, or as punishment for the crimes of which they have been convicted. The sexes are kept separate; but criminals, from the boy convicted of petty larceny to the mature man sentenced for some atrocious crime, are thrown together, — with the usual result of sending the incipient sinner back into society hardened and prepared for any crime.

"In fine, nothing is done which evinces a 'desire to arrive at a right solution of the great problem of crime-prevention and crime-repression,' unless it be by the employment of force; and even this is used with energy only when some unusually atrocious attack on the safety of society has been committed."

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#### CHAPTER LIV. — ADDITIONAL ITEMS ON TURKISH PRISONS.

THE following particulars have been communicated by a gentleman of high culture as well as great intelligence, who has resided in Turkey many years.

Prisons for men and for women are separate. They are not merely different wards, but different establishments, under distinct administrations, and usually at considerable distance from each other.

In the male prisons of large cities there are separate apartments for prisoners awaiting trial, for prisoners under sentence, and for persons imprisoned for debt. In the female prisons this is not the case, so that a woman of good character imprisoned for debt may be thrown into the same ward with women of the most abandoned character.

Male prisoners are sometimes employed on public works, a ring and chain being uniformly attached to one leg. There is no provision for other useful employment of prisoners, except that men not condemned to the chain-gang are allowed to work at their own trades for their own benefit.

The only food furnished to prisoners is about two pounds of bread each per day. Friends are permitted to supply them with food, or if they have the means they can purchase it themselves.

Torture is not now practised to extort confessions. Men are, however, sometimes removed for this purpose from one apartment to another more uncomfortable; and, when strong suspicions exist, this process is repeated several times. No provision is made for the instruction of prisoners.

Naturally the prisons in the capital are in a somewhat better condition than those in smaller towns. There is also a general amelioration in the condition of prisons now as compared with their state thirty or forty years ago. But it is due to the advance of society in that period (an advance shared in some degree by Turkey with the world at large), and not to any systematic efforts made by the Government or by the community.

No reformatory institutions for vicious or criminal children exist in Turkey.

## PART FIFTH.

## HOLLAND.

## CHAPTER LV. — ACTIVITY IN PENITENTIARY REFORM.

HOLLAND is one of the countries which has felt most strongly the impulse recently given to penal and penitentiary reform, and has shown herself most active in pushing forward the work within her domain. The work has been, at the same time and with the same energy, carried forward in two directions ; namely, the reform of the penal code and the reform of the penitentiary system. Indeed, it is held, and rightly, that the solution of the penitentiary question is among the graver problems presented to the legislator who undertakes the codification of the penal law. On the penitentiary system which he adopts will largely depend the success of his work. The repression of crime and the diminution of criminality do not depend, alone or chiefly, on the rigor of penalties and punishments. An excess of severity injures the cause which it is intended to benefit. In dealing with criminals, it is not a question of striking hard, but of striking justly and surely. And in striking down, the aim should be at the same time to lift up. Such has been the thought of the "Low Countries," — the *Nether-lands* ; such her aim and effort.

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## CHAPTER LVI. — CELLULAR SYSTEM.

HOLLAND has followed closely in the track of Belgium ; but not with the same unanimity or the same success. No doubt the cellular system has for many years been steadily gaining ground there ; but the progressive principle, as applied on the Irish or Crofton plan, has also found adherents not a few. At the annual meeting of the juridical association, held soon after the Congress of London, an entire day was given to a discussion of the best prison system for a State, in which frequent reference was made to the debates and proceedings at London. A resolution, declaring that the progressive system ought not to be recommended



in the case of sentences of a long duration, was carried by only a small majority ; while another resolution, affirming that in such cases, after the maximum of cellular imprisonment allowed by law (three years) had been undergone, the prisoner ought to be admitted to associated imprisonment based on a sound classification, was adopted by a nearly unanimous vote. There would seem to be a slight inconsistency between these two votes ; but let that pass. They show that cellular separation, for long terms at least, has not yet won that complete victory in Holland which it has in Belgium ; while, on the contrary, the Crofton principle of progressive classification has found there many adherents, — whence it is further manifest that the Low Countries have not yet attained to a definite and fixed prison system. But the question is vigorously studied there, and a conclusion must be reached at no distant day, which is more likely than otherwise to be in favor of the Belgian system.

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CHAPTER LVII. — CLASSIFICATION OF PRISONS AND PRISONERS.  
— FUNDS. — PENSIONS. — PROPORTION OF WOMEN.

**I**N the Netherlands four classes of prisons exist, — the central prisons, for criminals sentenced to eighteen months and over ; detention prisons, for terms of sentence less than eighteen months ; houses of arrest, for sentences of three months and under ; and police or cantonal prisons, for sentences not exceeding a month. The three classes last named also receive prisoners under arrest and awaiting trial. In some cases all three are united together, forming a single establishment.

The classification of prisoners does not seem to receive much attention in the Netherlands. In the central prisons, the more hardened and dangerous, and those sentenced on reconviction, are separated from the other prisoners. The results are reported as favorable.

The funds for the support of the prisons are a charge upon the annual budget of the State. The part contributed by the labor of the prisoners is quite inconsiderable.

The pensions granted to prison officers when they become incapacitated for further service are the same as those accorded to all other employés of the State.

The general proportion in which the sexes are represented in the Netherlands prisons is about one woman to five men ; but this proportion varies, especially in the different provinces.

CHAPTER LVIII. — ADMINISTRATION. — INSPECTION. — OFFICES.  
— DISCIPLINE.

ALL the prisons in the Netherlands are under the supreme direction of the minister of justice, and the general inspection of the prisons is made by an inspector, who has his deputy in the bureau of the department of justice. For the inspection of the buildings an engineer-architect is attached to the same department. The courts and tribunals are also required to cause the prisons to be inspected from time to time, by members assigned to that duty. The reports of all these inspections are addressed to the minister.

The administration of the several prisons is confided to administrative commissions named in each locality where a prison exists. The members of these commissions are named by the king from among the notables of the locality, who receive no salary. Whatever appertains to the local administration, to the internal service, to the discipline, and to the execution of the general and special regulations is confided to these commissions, or is done through their agency. They are in official relation with the minister, either directly or by the deputy of the royal commissioner (governor) of the province, their immediate superior and their honorary president.

The directors of the central prisons are appointed by the king, the other officers by the minister of justice. There is no defined tenure of office. Incumbents hold their offices until they are displaced, or voluntarily retire from the service. They are as a general thing removed only for cause, so that in effect they hold their offices by a good-behavior tenure.

No diminution of the sentences awarded by the tribunals can be obtained as matter of legal right by prisoners confined in the jails and penitentiaries of Holland. But, agreeably to a royal decree of 1856, the administrative commissions of the central prisons submit every year a proposition for pardons or remissions, to be granted to prisoners who have distinguished themselves by their good conduct. Besides this, all prisoners have the ordinary resource of applying to the king for pardon or remission; and since, in general, a decision is made only after a report from the commission on the conduct of the prisoners, this conduct has generally a strong influence upon the decision.

The portion of their earnings allotted to the prisoners are: To civil prisoners sentenced to reclusion and to military prisoners, forty per cent; to the inmates of the central prisons, fifty per cent; and to those confined in other prisons, seventy per cent. These proportions are not increased by reason of the prisoners'

good conduct. No other rewards are given to prisoners beyond this participation in their earnings. The distribution of premiums has for some time been abolished, and the industry of the prisoners finds its recompense in the increase of profits which naturally result from zeal and capacity. Still, the re-establishment of premiums is under consideration at the present time.

The kinds and frequency of the violations of prison rules differ sensibly in different prisons, and often depend on the more or less intelligent administration of the chiefs and the employés. Insubordination and quarrels may be regarded as the most frequent infractions. Isolation by night (which is not yet generally introduced) has in this respect produced good fruits. The disciplinary punishments in use are restriction to a diet of bread and water, withdrawal of the privilege of writing and receiving letters, privation of books, the dungeon, fetters, and, in the central prison, isolation in a cell. All these punishments are recorded in a register.

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#### CHAPTER LIX. — RELIGIOUS AND LITERARY INSTRUCTION.

THERE are no chaplains, as such, attached exclusively to any of the prisons of Holland; but in all the central prisons, in all the houses of detention, and in most of the houses of arrest, the duties of chaplain and the religious services are confided to one of the parish ministers of each religion, who is named by the minister of justice. The duties of the chaplain consist in performing religious service on Sundays and feast-days, in making pastoral visits, and in imparting religious instruction. Religious instruction, given with intelligence, is considered of great importance as an agency in the reformation of prisoners. In some prisons there has been introduced the system of proverbs. This consists of hanging on the walls of the corridors and cells pithy moral sentences, and in changing them from time to time. In the opinion of experienced persons this plan deserves to be recommended for general use. Persons of both sexes, outside of the administration, are admitted into the prisons to labor among the prisoners, with a view to their moral regeneration. Sunday-schools have not been established in the prisons.

As a rule, about one-third of the prisoners received are unable to read and write. Schools exist in all penal establishments, except in the police and cantonal prisons. All prisoners, up to the age of forty years, who do not know how to read and write, are obliged to receive that instruction. The branches commonly taught are reading, writing, and arithmetic. The system of in-



struction leaves much to be desired. Reforms have been introduced, or are in contemplation. In the two central prisons for juvenile prisoners the system of instruction is all that can be desired. There are libraries in all the prisons, which include books on morals and religion, histories, travels, etc. Most of the prisoners are fond of reading; they generally prefer books of history, travels, and the like. Their reading has a happy effect upon them.

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#### CHAPTER LX.—PRISON LABOR.

IN the penitentiary establishments of Holland unproductive or merely penal labor is unknown. Industrial labor, the only kind in use, is for the most part directed by the administration. But both systems of labor,—the contract system and the system by which the labor is utilized on account of the State,—have place. Taking the whole country together, it is believed that about one in four will correctly represent the proportion of prisoners without a trade at the time of commitment. It is regarded as a matter of the highest importance to impart to prisoners during their incarceration the power of self-help; and this result is diligently sought by teaching them, to the utmost extent possible, some useful calling.

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#### CHAPTER LXI.—HYGIENE OF THE PRISONS.

IN some of the prisons the sewerage is imperfect, but this evil is sought to be everywhere corrected. The supply of water is unlimited. Most of the prisons are well ventilated. Cleanliness both of the building and of the person is enforced. As regards the system of water-closets, preference is given to inodorous, portable vessels, with a reservoir outside. The prisons are lighted by gas or petroleum. Lights are kept burning in the dormitories during the night. The system of heating varies in different prisons. In some it is effected by hot water or steam, in others by stoves. The prisoner's bed is made of straw; for the sick, of sea-grass or sea-weed. The bed, complete, consists of a mattress and bolster, two sheets, one coverlet, and one or two blankets according to the season.

A distinct part of the prison building serves as an infirmary.

In the cellular prisons, cells of double dimensions are appropriated to the sick. The medical service is confided to a military surgeon wherever there is a garrison ; to a civil physician in localities where there is no garrison. The entire service is under the inspector-general of the medical service of the army, and is performed in a highly satisfactory manner. The most common diseases in the prisons, as outside, are diseases of the chest, especially consumption. The average of the sick and of deaths it is not easy to give. It differs a good deal in different prisons, depending on local circumstances and the class of prison. The difference in the duration of punishments, which is by no means inconsiderable, exercises an influence on the proportionate number of the sick and of deaths.

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#### CHAPTER LXII. — REFORMATORY ACTION, ETC.

THE aim is to make the punishment contribute, so far as possible, to the reformation of prisoners. The proportion of recidivists given by the (admitted) imperfect statistics of the country is, for the general mass of prisons, twenty-five per cent ; for the central prisons, thirty-eight per cent.

It is not thought that repeated sentences to short imprisonments produce any good effect upon the prisoner. A relapse may give occasion to an increase of the punishment in the ratio of one-third, when the first sentence was for more than a year's imprisonment ; and in all cases it is a circumstance which may determine the judge to award the maximum of punishment allowed by the law.

Imprisonment for debt exists in Holland. Persons so imprisoned are placed in the houses of detention and of arrest ; sometimes in the cantonal prisons. They are entered on a special register, and are not confounded with other prisoners. The best apartments are assigned to them and a little better furniture. They do not wear the prison dress unless they have no other, and their food is of a better quality.

The chief causes of crime are want of education, drunkenness, and the desire to make a figure beyond one's means and position. In the case of young prisoners there may be mentioned in addition the influence, often pernicious, of a second marriage of their parents, which not unfrequently, by embittering the position of the children of the first marriage, deprives them of the salutary influence of family life.

## CHAPTER LXIII. — AID TO DISCHARGED PRISONERS.

THE Netherlands Government, as such, does not charge itself with the care of liberated convicts ; but many directors of prisons take great pains to find work for them, and generally they have cause to congratulate themselves on the result of their efforts.

The Netherlands society for the moral amelioration of prisoners has for its object, not only the visiting of prisoners, but also the manifestation of an interest in their welfare after their discharge from prison. This society counts forty branches, scattered throughout the whole kingdom, and corresponding members in thirty-seven places where there are no branches. To some of the branch-societies are attached committees of ladies. As regards the prisoners, a variety of methods is employed to encourage and help them. Their patrons procure situations for them at service, place them in the merchant-marine, supply them with tools, obtain for them some little industry or business, provide them with the means of emigrating, etc. The results differ, as a matter of course ; but the society accomplishes much, and often has the satisfaction of seeing its efforts crowned with success. Upon the whole, there are few countries where the system of patronage is better organized or better applied.

In Amsterdam, and wherever branches of the central society exist, the members are permitted and are accustomed to visit the prisoners confined in the prisons, with a view to guide and influence them to good. Many of the societies have committees of ladies attached, who are active in this work, and whose labors are most acceptable and useful. When I had the honor to call upon the president of the parent society at Amsterdam, the venerable William H. Suringar, then over eighty years old, he showed me a thick folio volume filled with closely-written manuscript from cover to cover, and containing the record of his personal visits to prisoners or their visits to him (during a period of forty years), in which are set down the main facts in each case. I cannot state the number of cases in that rare book, but am sure that it runs up into the thousands.

## CHAPTER LXIV. — MILITARY PRISON AT LEYDEN.

SEVERAL of the prisons of Holland, one at least of each class, were visited by the author, and generally with satisfaction ; but it would carry him beyond due limits to enter into any lengthened detail of their organization and discipline. In the



congregate military prison at Leyden, I found both the industrial and scholastic work good and effective. Among the industries pursued are shoe-making, rope-making, tailoring, carpentry, smithery, painting, etc. The prisoners are allowed half of what they earn, and of this a moiety may be spent in the purchase of additional food and other comforts during their captivity, the other moiety being kept as a *masse de réserve*, to be paid to them on their discharge. The proceeds of the one-half of the labor, which goes into the chest, suffices to defray all current expenses, except the pay of the staff, who, being all officers of the army, receive their salaries in the same way and from the same fund as other military officers. Every prisoner, if he did not know one before, is taught a full trade whenever his sentence is long enough for the purpose, which is by no means always the case, as the sentences run from two months to twenty years.

The proportion of prisoners wholly illiterate on entrance is ten per cent; most of the remaining ninety have a fair common education. Nevertheless, the whole body of the prisoners are required to attend school two hours every day. Three schoolmasters are employed, who devote each six hours a day to the work of instruction, and in this they are further aided by twelve convict assistants. All the branches of primary and more advanced common-school education are taught, to which are added, in the case of all prisoners desiring it, French, English, and drawing, particularly linear or mathematical drawing. A large room is appropriated to this last-named department. The improvement made by the convict pupils, particularly some of those in the drawing department, was as marked as it was gratifying.

The hospital arrangements were the perfection of neatness and convenience.

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#### CHAPTER LXV.—CELLULAR PRISON AT AMSTERDAM.

THE cellular prison at Amsterdam is a misdemeanants' prison, where sentences range from a few days to two years. The order and cleanliness of the prison left nothing to be desired. It has two hundred cells, occupied at the date of my visit by one hundred and sixty inmates.

The industries are brush-making, tailoring, carpentry, smithery, etc. The State receives three tenths of the earnings, the other seven tenths belonging to the prisoners.

With rare exceptions the prisoners can read and write when committed. Nevertheless, two schoolmasters are employed to give lessons in the cells, and thus to supplement, by added acquisitions, the education previously possessed.

## CHAPTER LXVI.—DETENTION PRISON AT THE HAGUE.

THE detention prison at the Hague, in which are confined prisoners awaiting trial and those sentenced to short imprisonments, is an old structure built more than three hundred years ago, and seems chiefly distinguished for two qualities,—massiveness and irregularity. So far as what is material was concerned, the prison is well kept, and every thing was clean as soap, water, brush, and muscle could make it. But all praise must stop at this point. Prisoners to the number of one hundred and fifty were congregated there, doing almost nothing but corrupt each other by day, and at night sleeping in common dormitories, without supervision, to continue the same business with increased vigor. Few have trades when they enter, and fewer still, even of the sentenced, remain long enough to learn them. There is here an ample margin for reform.

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CHAPTER LXVII.—CHILD-SAVING WORK.—NETHERLANDS  
METTRAY.

HOLLAND boasts one of the model reformatories of the world, under the name of the "Netherlands Mettray," founded twenty-five years ago, through the indefatigable efforts of the venerable Mr. Suringar. Its name sufficiently indicates its general organization and character. It is a close imitation of the French Mettray, except that the families are much smaller, containing fifteen boys instead of fifty, and in that respect is an improvement on the original. It is situated at Arnheim, on a farm called Rijsselt, distant five hours from Amsterdam by rail. There are ten houses for boys, on two sides of a parallelogram, with the residence of the director at one end and the beautiful little church of the colony at the other. In the rear of the director's residence are the workshops, schoolhouse, etc. On either side of the quadrangle, but at considerable distance from the other buildings, are the picturesque residences of the sub-director and schoolmaster. A large and substantial farm-house with all needful out-buildings, near but outside the main entrance, completes the *tout-ensemble* of edifices belonging to the establishment. The spacious square itself, around which all these structures cluster, has the appearance of an elegant garden, in the centre of which is a charming flower-plot. The effect, to an observer on passing the iron gate which forms the chief en-

trance to the colony, is very pleasing, the *coup d'œil* offering to his view what at first strikes him as a miniature paradise.

At the head of each household is placed a monitor, selected from among the larger boys, who acts as an under-officer during the day and has sole charge of them at night. This system has been substituted for that of house-fathers—first, on economic grounds; and, second, because of the difficulty of finding suitable persons willing to serve the colony in that capacity. The interior of the family houses is simple and commodious, but they were not remarkable for cleanliness; and the establishment seemed to me to suffer sensibly from the lack of female care and influence. Each house has a dwelling-room, wash-room, and closet on the ground floor, and a dormitory above. The meals are prepared in a general kitchen, from which they are taken to the several houses, and each family breakfasts, dines, and sups by itself.

The labor is chiefly farm and garden work, sixty-four acres constituting the farm. There is a kitchen garden of eight acres, and a smaller garden for fruits and flowers, with nursery, hot-beds, and conservatory, where the boys are taught and trained in all the mysteries of both the ruder and finer kinds of gardening. A considerable income is derived from the sale of flowers, as well in pots as bouquets, and also from that of fruits, large and small. The occupations of the colony additional to farming and gardening are shoe-making, tailoring, carpentry, cabinet-making, smithery, painting, varnishing, baking, and I think a few others. As far as possible—and it is found possible in most cases—the boys are permitted to choose the calling they will follow. There is even a normal school and a military school in the establishment, where those whose tastes incline them to teaching or to military life acquire the technical knowledge and training required for those professions. I was curious to know how many school-masters had been graduated from this seminary. The sub-director was unable to give the aggregate, but said that eight had gone out to be teachers during his two years' incumbency. One of these was on a visit to his former home when I was at Rijsselt. He was a stout, manly-looking youth, and seemed greatly to enjoy this renewal of intercourse with his late comrades. He reported himself as "doing well," and as satisfied with his place and prospects.

As a means of moral education, much stress is laid on what is called the "sentence system." It has long since been observed that a pithy saying, a proverb, a fable, even a single word that infolds a pregnant meaning, often produces a happy and lasting effect upon the young mind. Charles Dickens, when on a visit to a ship-reformatory in Massachusetts, being called upon for an address, said simply: "Boys, do all the good you can, and make no fuss about it." That curt, crisp sentence was better for the



boys than would have been an hour of silver-tongued rhetoric. So the conductors of the Netherlands Mettray have thought it good and helpful to make much use of such sentences as these (sometimes hanging them on the walls, sometimes giving them out to be learned by heart): "He who seeks himself will not find God." "A poor man he who has nothing but money." "He is a fool who lives poor to die rich." "Labor has a golden bottom." "Care for the moments, and these will care for the years."

Whenever any thing extraordinary takes place in a family, or when a boy makes himself notorious by his bad behavior, a sentence is applied. Thus, on the occasion of the death of one of the parents of a boy, a consoling text or sentence is suspended on the wall of his dormitory. One day a boy was overheard using foul speech to a comrade. The sentence, "It is better to be dumb than to use the tongue for filthy talk," was given to him, which he had to read to the company every morning for eight days. It had the desired effect.

Not more than two per cent of the Netherlands Mettray boys go to swell the ranks of crime.

## PART SIXTH.

## THE GERMAN EMPIRE.

## CHAPTER LXVIII.—NEW PENAL CODE.

THE empire, as such, sent no report to either the Congress of London or that of Stockholm, though several of the States of the empire did to each. However, in 1867, Baron Franz von Holtzendorff, then professor of international and criminal law in the University of Berlin, and now holding the same position in that of Munich, addressed to the author an elaborate paper on the prisons of Germany in general, which was printed in the twenty-third annual report of the Prison Association of New York. There has been progress since then, no doubt, particularly in the unification and improvement of the penal code. Since the London Congress (1872), Germany has adopted a new criminal code, which has itself very recently undergone a thorough revision in the imperial parliament; and it is claimed to be one of the best to be found to-day in any country.

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## CHAPTER LXIX.—PRISON REFORM EARNESTLY STUDIED.

THE question of prison reform is made the object of an earnest study throughout the whole German Union, but its solution encounters special difficulties, owing to the new political relations which have sprung up within the last few years. Uniformity in German prison discipline is regarded, with reason, as the logical sequence of the unification of the German penal code. To bring about such uniformity in twenty or more different States, — each of which until recently had its own prison system, and practised it quite independently of all the others, — is a matter of serious difficulty, and one which requires much thought and wisdom. The State governments and the national parliament are agreed as to the necessity of revising and consolidating the rules to which prison discipline still remains subject in the several parts of the empire. In anticipation, however, of the completion, or rather the supplementing, of the criminal code by a uniform

penitentiary law for the whole empire, it is natural that the State governments should not be, and in point of fact they are not willing to make hasty alterations in existing arrangements. Prison organization and prison discipline might feel the bad effects of sudden changes and doubtful experiments. But the logic of events is as inexorable as the logic of thought; and the attainment of the end sought will be hastened by the ferment of thought and investigation concerning this whole question, of which Germany has become the busy theatre.

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#### CHAPTER LXX. — INFLUENCE OF DR. JULIUS AND PROFESSOR MITTERMAIER.

OWING to the circumstances set forth above, penitentiary reform has moved much more slowly than criminal-law reform. Therefore prison matters remain much the same as at the date of Baron von Holtzendorff's communication, and upon that I shall draw largely in the present exposition, modifying the account, if need be, from personal knowledge or other sources of information within my reach.

Baron von Holtzendorff remarks that little progress has been made since the date of Dr. Julius's visit to America. His report was the manifesto of a school who believe that reformation can be obtained only by a treatment strictly cellular. This theory was afterwards popularized by the congress of international philanthropy and the able advocacy of Mittermaier, the high priest of juridical science in his day.

From 1846 to 1856 the doctrine of pure separation prevailed in Germany, without serious contradiction. There was a belief in the most intelligent classes that isolation would, of necessity, effect the reformation of the most hardened criminal. Some new prisons were constructed upon the panoptic cellular plan, among which those of Bruchsal, in the Grand-Duchy of Baden, and Moabit, near Berlin, are the largest; the latter being an almost complete imitation of Pentonville prison. Both these prisons continue to be regarded as representatives of the so-called "pure isolation theory," while a somewhat different mode called "the system of modified isolation," without stalls in school-room and chapel, is followed in some minor prisons. Towards the end of 1857 the cellular system may be said to have been adopted in principle. In comparison with the traditional imperfection in German prisons, no one could fairly deny the superiority of separation, in warranting, at least, some better prospect of checking the progressive corruption of criminals during their detention.



CHAPTER LXXI. — NO GENERAL SYSTEM YET  
ESTABLISHED.

TAKING Germany as a whole, Baron von Holtzendorff feels warranted in saying that no system has there been carried beyond the tentative stage. There are prisons constructed on the old pattern, wanting in any adequate arrangement for classification, except of course the separation of the sexes. Next, there are prisons managed according to what is called the Auburn system, the rule of silence not being enforced very strictly, — some being constructed with sleeping cells, some having no sleeping cells, but large dormitories instead. Finally, there are prisons managed with a view to admit of an opportunity of agricultural labor.

This complicated condition of the prison arrangements renders it difficult to report exactly on the special manner of treatment adopted in the German States. All prisons are placed under government inspection and a centralized administration, — that is, of the States, not of the imperial government. The rules, however, to be observed in the management of prisons greatly depend not on legal prescription, but on the administrative power of the executive branch; hence they may vary every day. As yet, legislation has done very little to define accurately how the various kinds of punishment shall be made applicable to the trespassers on law.

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CHAPTER LXXII. — CLASSIFICATION OF PUNISHMENTS  
AND PRISONS.

MOST of the German States have from three to four different kinds of punishment privative of liberty. Punishment of the highest degree is legally termed *zuchthaus* (correction-house). It is applicable to the longest terms, and deprives discharged prisoners of their municipal rights. The maximum of *zuchthaus* is for life, or for twenty years, the minimum being two years. Another degree of punishment is termed *arbeitshaus* (workhouse). It is applicable to terms varying from some months to several years, and does not destroy municipal rights; as its name denotes, it involves compulsory labor, as does also *zuchthaus*. The third degree is called *gefängniss* (jail). It is applied to lighter offences, — extending from the period of one day to five

years. It excludes compulsory labor; prisoners, however, can be furnished with occupation in accordance with their social position and their abilities. A fourth kind of punishment is applicable to gentlemen offenders in cases of political crime and duelling, termed *festung* (detention in a fortress), or *einschliessung* (reclusion). Besides these rather nominal distinctions there exist some complementary institutions of a more preventive character, such as workhouses to receive beggars, vagrants, and prostitutes, after they have undergone a previous treatment in a penal prison, — the period of their detention in the workhouse being limited as to its maximum, but not as to its minimum, this being left to the determination of the police.

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#### CHAPTER LXXIII. — PROGRESSIVE CLASSIFICATION.

SINCE 1859 the current of public opinion, according to Baron von Holtzendorff, has been turning away from separation as a means indispensable to the criminal's reformation. Professor Mittermaier, whose authority in prison matters had been well-nigh supreme in Germany, had then just given a first short exposition of Sir Walter Crofton's system as applied in Ireland. From that moment Baron von Holtzendorff gave much attention to the study of that system. He visited Ireland, examined the system on the spot, became a convert, established a monthly journal to explain and defend it, and issued several tractates in its support. Writing his report for the New York Prison Association in 1867, he declared that after ten years' discussion the Crofton system had laid hold on the German mind; more especially in the northern countries, where the doctrinaire spirit has less force than practical considerations. There are still some writers in south Germany who passionately persist in their former belief in the reformatory power of mere cellularism. But many of the most competent judges incline to contrary conclusions. Public opinion, so far as it can be ascertained among such experts as are not morally engaged by their adhesion formerly given to the cellular system, strongly appears to demand separation to be applied to shorter sentences in common jails, and, so far as longer sentences are to be carried out, as an initial stage to be afterwards completed by progressive classification and conditional discharge under police supervision. Even Dr. Julius frankly expressed his conviction that the Irish system should be considered the most remarkable progress ever made since the first attempt to execute the Pennsylvania system.

Professor Mittermaier, one of the most decided partisans of the separate system, declared his persuasion as to the soundness of the plan governing the intermediate prisons and conditional liberty.

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#### CHAPTER LXXIV.—DEVOTION OF BADEN TO PENITENTIARY STUDIES.

IN the first rank of German States for progress in prison reform must be named the Grand-Duchy of Baden. Convicts belonging to the first and second degrees of punishment (*zucht-haus* and *arbeitshaus*), although specially treated under different rules, are subjected to a strict and absolute system of isolation within the cellular prison of Bruchsal, which may be regarded as the model prison of Germany.<sup>1</sup> According to law no prisoner can be kept in separation beyond a period of six years, unless he expresses a special desire for remaining in his cell. By an administration excellent in all its details it has been proved that the danger usually inherent in the separate system of damaging the prisoner's mental health can be diminished to such a degree that it may be considered, in the opinion of Baron von Holtzendorff, to have been practically overcome.

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#### CHAPTER LXXV.—INTEREST IN PRISON REFORM SHOWN BY OTHER GERMAN STATES.

SIMILAR views have prevailed in the Bavarian legislation. The old system of association as formerly managed by Obermaier, whose personal ability in keeping down great numbers of prisoners in the Munich prison had rendered him famous throughout Europe, has been recognized as deficient, and a mixed system of progressive treatment was introduced by a law of November 11, 1861. As a premium to good conduct association is allowed after one year of isolation, which therefore may be said to serve as an initial stage.

As regards the States of Würtemberg and Hesse-Darmstadt, there is not much to say about prison reform. In the latter State under the influence of Count Görtz who, after his return from

<sup>1</sup> At present only prisoners of the first degree are received, so that the penitentiary of Bruchsal has become strictly a convict or central prison.



America, had given unqualified praise to the Pennsylvania system, the Chambers recommended the introduction of separation. Nothing, however, has been done in the way of erecting new prisons. In the Kingdom of Würtemberg a law has been put in operation by which a progressive system of separation and association is made applicable to women. Female convicts sentenced to the punishment of *arbeitshaus* and *zuchtpolizeihaus* (which are both an intermediate punishment between the lowest and the highest degrees) must be kept in separation, not extending to divine worship, etc., and may afterwards be transferred, when giving proof of good behavior, into association, provided that half the term of their sentence has expired.

In the Grand-Duchy of Brunswick a law referring to the mode of carrying out imprisonment applicable to the gravest kind of punishment admits of transferring criminals into association, provided that they shall have remained for four (and in exceptional cases for two) years in separation, and expressing a desire to be removed from their cells. The committee appointed to inquire into this matter gave their approval to the Irish system.

The Grand-Duchy of Oldenburg has for a long time enjoyed high reputation for the excellent administration of her prison at Vechta, which had been placed under the direction of the late Mr. Hoyer, one of the most enlightened experts in prison matters. His constant zeal has been successful in transforming old buildings into a modern prison, containing one hundred and eleven working and forty-seven sleeping cells. After pleading for years in favor of the separate system, Mr. Hoyer professed his unlimited approval of the Irish principle as soon as he became acquainted with it. He succeeded, moreover, in establishing an intermediate stage by giving farm labor as a reward to the most advanced class of convicts. His authority has very much contributed to propagating just ideas about the Irish system, which at the beginning was objected to on a pretext that it contained too many complicated details. Unfortunately, Mr. Hoyer died before he could complete his work. His successor appears to incline towards a more rigid rule of separation; at least, he has discontinued the practice of agricultural labor.

The other States of northern Germany have done very little in the way of prison reform; although, from time to time, the matter has been discussed in every legislative assembly. After the Irish principles became more generally known, the King of Saxony resolved upon adopting the system of conditional pardons. This measure, in operation since 1862, has worked exceedingly well (the number of pardons revoked being insignificant), and there is no doubt that the course taken by the King of Saxony will find speedy imitation in other German States. As yet, not one voice has been heard contradicting the splendid results obtained in

Saxony. Indeed, the reformatory tendency of conditional pardons, when combined with a proper system of police supervision, is the more extraordinary, as in Saxony the previous treatment of prisoners was by no means unexceptionable. On the contrary, the system of general association and insufficient classification might, at first sight, appear to be in opposition to every expectation of good results obtainable by conditional pardons. Such, however, is the beneficial influence exercised by the psychological element of hope, that even a deficient state of prison administration may thus be corrected to a certain degree.

My friend gives a long account of the Prussian prison system, even the substance of which, for the reason that Prussia will be treated at some length separately, I forbear to introduce here, except to cite his analysis of the moral effect of unbroken isolation in destroying the prisoner's confidence in himself and in his keeper: "I firmly believe it erroneous," he says, "to attach too much value to technical arrangements for separation, with regard to long terms of imprisonment. A sound reformatory system cannot be based upon the probability of a merely negative result, to be obtained in keeping prisoners apart from each other. Convicts, when ordered to refrain from mutual intercourse during the whole term of a lengthened detention, will naturally lose their confidence in their moral power to resist temptation. Keeping them constantly in cells and stalls and on separate exercising grounds would be tantamount to a proclamation of perpetual distrust on the part of the prison authorities. The prisoner, therefore, would very soon come to regard his keepers' confidence in the moral efficiency of this artificial system as at war with their appeal to his own energy."

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CHAPTER LXXVI.—BARON VON HOLTZENDORFF'S VIEW  
OF THE IRISH SYSTEM.

BARON VON HOLTZENDORFF, in conclusion, thus expresses his general estimate of the Irish system, which will be assented to, I think, by most of its American adherents: "Ten years of assiduous study and uninterrupted observation have considerably strengthened my opinion, that the Irish system is the best to warrant us against the shortcomings of the old system of association, as well as the punitive excesses inherent in long periods of absolute separation. When speaking of the Irish system, I am very far from recommending a punctilious and short-sighted imitation of all its arrangements. On the contrary, I believe it to

be a serious defect, which Sir Walter Crofton was unable to remove, that the convict's treatment was to be adapted to a local necessity of thrice transporting him from one place to another. Simple reason shows the expediency of having progressive treatment carried out within one locality, and under the supreme management of the same persons, instead of three different prisons, involving a change of prison officers, as in Ireland. One well-constructed prison would be sufficient to carry out the convict's gradual promotion to liberty. The Irish principle admits of many modifications for the purpose of its application according to social, national, and territorial distinctions. In Germany, at least, no one would think of endorsing all the details of the Dublin and Spike Island prisons, which form the national part in Sir Walter Crofton's work, while the true principles of moral regeneration, as embodied and applied therein, are applicable everywhere, because they belong to human nature."



## PART SEVENTH.

## INDIVIDUAL STATES OF THE GERMAN UNION.

## CHAPTER LXXVII. — PRUSSIA.

IN Prussia, largest of the States of the German Empire, though no reforms have taken place since the London Congress that touch the fundamental principles of the penitentiary question, the interest in this question is constantly becoming more general. This is true as well among the common people as among the governing classes. Public opinion has shown itself highly favorable to the development of the penitentiary question. There are those who declaim against the alleged excessive comforts in the prisons, regarding the provision made for the prisoners as a sort of allurements to transgression, but the public in general appreciates more and more the importance of a good administration; and, for the rest, there are few amateur candidates for the penitentiary. In the Prussian parliament there are found members who make the prison question the object of a profound study and a sincere devotion. These never fail to appear in the tribune, when it is a question of penitentiary reform; and the chamber of deputies rarely refuses the sums asked by the Government for this object.

The Prussian Government long since adopted the system of individual imprisonment for criminals sentenced to the punishment of hard labor; and its efforts have been directed towards the object of securing the application of that system to all prisoners whose condition of body and mind was such as to warrant it. The number of prisoners confined in establishments within the jurisdiction of the ministry of the interior, the greater part of whom are sentenced to hard labor, reached in 1874 a total of twenty-two thousand two hundred and eighty-nine, while the number of cells, adapted to the use of prisoners day and night, amounted to only five thousand four hundred and twelve. It is, therefore, evident that Prussia is still far from the goal which she has proposed to herself; and the great expense involved in the construction of the necessary buildings to isolate all her prisoners obliges her to give up the idea of introducing, at a single stroke, the cellular system in all her prisons.

At the same time the Government has adopted two measures intended to lessen the inconveniences of the present state of things, and to prepare for its reformation. In the first place, the rule has been adopted that the cellular prisons shall be reserved, so far as possible, for convicts who are not recidivists, and who are under twenty-five years of age. The second measure relates to the construction of the cellular prisons, where the great question is one of cost. The minister of the interior, a few years ago, created a commission composed of persons versed in the practical knowledge of prisons, and charged it with the duty of a thorough study of this question. This duty has been discharged, and the opinion of the commission, as given in its report, was that the Government, by confining itself to what is absolutely essential, could, without injury to the health of the prisoners and without impairing the security of the prisons, economize at the rate of at least one-fourth on the sums heretofore expended in the construction of such prisons. The execution of a plan, which has just been prepared in conformity with the recommendations of the commission, will very soon show whether or no the commission was right in its conclusions.

The labor in the Prussian prisons has long been a source of trouble to the Government, from the demands, often diametrically opposite, which are made in regard to its organization. On the one side, complaint is made that the labor of the prisons produces too little result, and, on the other, the Government is reproached with interfering with the interests of trades and manufactures by the competition of this labor. Some persons have gone so far as to demand that no goods whatever be manufactured in the prisons, except for exportation.<sup>1</sup>

To regulate definitively this branch of the administration, a decree was issued in December, 1872, that all the labor in the prisons should be put up at auction and let to the highest bidder. The discipline, so it is claimed, remains wholly in the hands of the prison authorities, the contractor having no part in it; he is not even permitted to accord recompenses or rewards to the prisoners who work for him.

One-sixth part of what the contractors pay for the labor is reserved to be given to the prisoners in the shape of prizes for diligence; and, to the end that an equitable distribution of this fund may be assured, tasks have been fixed in all the different branches of manufacture. In each shop is found the list of tasks and of prizes corresponding thereto, — simple prizes for those who have only accomplished the assigned tasks, and higher prizes (up

<sup>1</sup> But how would that mend the matter? Even if the prisoners were restricted to manufacturing for exportation, there would remain so much less for free laborers to produce for foreign markets. So that, whether the commodities produced by their labor are sold at home or abroad, it comes in the end to the same thing.

to the maximum of five cents a day) for those who have done two or more times their tasks. A part of the premiums is at the present disposition of the prisoners to purchase books, snuff, and provisions, but not liquors ; and if what is left at the time of their liberation does not exceed the sum of fifteen marcs, the expense of their return home is met from the government-chest.

The prisons of Prussia are partly under the jurisdiction of the ministry of the interior and partly under that of the ministry of justice. This diversity of jurisdiction in the administration of the prisons has, as would naturally be supposed, led to many inconveniences, and has further, quite as naturally, given rise to the wish, expressed in the legislative assembly, that the direction of the prisons should be centralized in one or other of the two ministries that now have a divided jurisdiction over them. To which ministry, whether of the interior or of justice, the administration of the prisons shall be confided is a question not yet decided. In the legislative session of 1868 a representative moved "that the administration of all the prisons be united into the hands of the ministry of justice." The Assembly adopted the resolution, after having amended it by striking out all after the word "united," thereby showing its desire for unification, but leaving the practical part of the question open for the time being.

All persons conversant with the administration of prisons will agree that a divided jurisdiction is an evil ; but which department of Government is, inherently and *per se*, best suited to take charge of such administration is not perhaps quite so clear. In European countries the most common practice is to place it in the hands of the ministry of justice ; and in other parts of the world the same practice is still more general, if indeed it is not universal. In Sweden the penitentiary administration constitutes a distinct department, and consequently is subject to the jurisdiction of neither the minister of justice nor the minister of the interior. This is probably the best organization for this department of the public service, since it gives the undivided energies of one man to the work, — a work broad enough and complicated enough to demand such devotion. In Russia the jurisdiction of the prisons is divided, precisely as it is in Prussia, between the ministry of the interior and the ministry of justice ; and there, also, the same inconveniences are felt from it. In France and Italy the administration of the prisons is confided, at least mainly, to the ministry of the interior, as it is likewise in England, where that ministry has the name of "home department." An exception however is to be noted as regards France, since the administration of the prisons of Paris is in the prefecture of police, and that of the penal colonies in the ministry of the marine.



To return now to Prussia. The question which in that country seems to be, if not agitating, at least interesting, the public mind is one of those which cannot be definitively settled by abstract reasoning, but demands a concrete solution. As a general thing, it is best to let well enough, or even fairly well, alone. For this reason, if it were permissible to speak at all, I would say, — since the main control of the prisons has long been, and is now, in the hands of the minister of the interior, and is, to say the least, working fairly well, — let it stay there ; and, for the sake of unity and efficiency, let the residue be transferred to the same hands. But there are two or three additional thoughts that come in to strengthen this view, to which brief reference may be made.

The first is that the education of judicial officers gives them, chiefly, a knowledge of law and its application ; and their experience after graduation is much in the same direction, since they have little or nothing to do with executive administration. Consequently, if intrusted with such administration, especially the administration of prisons, they will find themselves in a sphere to which they are comparative strangers, and where experience can be gained only at the expense of the cause.

The second point relates to the governing boards which, under the minister of the interior, have charge of the Prussian prisons. These boards, in Prussia, have also charge of the departments of buildings and public works, of health, and of school and church matters. Consequently, whenever questions of building, of health, or of the establishment of schools and churches in prisons, arise, they are able to summon to their assistance the proper persons without loss of time, and at once to make the necessary arrangements ; whereas the judicial officers have no such power, and could arrive at the same end only by a longer and more circuitous route.

The third and most important argument is that the administration of the prisons is intimately connected with the management of the police, and this is wholly under the jurisdiction of the ministry of the interior. It can hardly fail to work to the detriment of the public service if the connection between the management of the police and the management of the prisons should be broken by transferring the direction of the latter to the department of justice.

The writer personally visited several of the prisons of Prussia, but none with greater interest than that of Moabit near Berlin, — first in 1871 and again in 1875. This is the model prison of Prussia, and holds a high place among the model prisons of the world. It owes its present organization and management to Dr. Wichern, of the Rauhe Haus, who, without resigning the directorship of his reformatory, held for many years the position of director-general of the prisons of Prussia.

It is a cellular prison, on the radiating plan, with four wings and five hundred and eight cells, besides workshops in the basement sufficient for one hundred and fifty men, and a farm, at some distance from the prison, to give employment to those prisoners who on account of bad health, age, or length of sentence cannot serve out their entire term in separation. The prison is managed by a Protestant brotherhood, called the Brethren of the Rauhe Haus, and trained therefore by Dr. Wichern for the work. The average of relapses is about thirteen per cent. Though having no permit from an official source, I was received with much courtesy by the director, a gentleman evidently of great benevolence. He conducted me through the establishment, entering at least fifteen to twenty cells, where I had an opportunity of seeing the prisoners at their different occupations. These were quite various, and embraced lithographing, engraving, carving in wood, etc., as well as the more ordinary trades. The manner of his intercourse with the prisoners was marked by a gentle and kindly spirit, with nothing of official stiffness. The visit was in all cases commenced by a friendly greeting, and on leaving the director bade each one adieu, often with an added hand-shake. The prison was kept in the neatest manner; the prisoners wore a cheerful look; every cell seemed a little home of solitary industry; material wants were well provided for; and the director was evidently a favorite with the inmates, as indeed he well might be, for he acted not simply as their friend but their father.

There is a "Protestant Brotherhood" of the Rauhe Haus, who are regularly trained for Christian work as a life-profession under Dr. Wichern, mostly at the Rauhe Haus, but partly also at Johannes-Stift, near Berlin, which is an offshoot of the parent institution. There had been, down to 1876, seven hundred and fifty so trained, of whom all but fifty had already gone forth to different fields of labor.

The subaltern officers of the Moabit prison, as well as the director, are Rauhe Haus "brothers." It is well for that prison that they are so; it is well for all prisons where there is any considerable number of them, for they are thoroughly trained, thoroughly devoted, and, as a rule, thoroughly unselfish in their devotion. They are deeply religious, full of an earnest missionary zeal, and dedicated to Christian work as to a life-service. I confess myself to be in full sympathy with the spirit, and in full accord with the opinion, expressed in the following extract from a letter received from a foreign correspondent on this point:—

"There is one subject, of the utmost importance, in connection with prisons, which, although you will doubtless not overlook it, yet I feel anxious to impress upon your attention in a special degree, as being desirable to give prominence to in your book. This subject is the importance of selecting religious men, as officers and sub-officers, in all prisons and

kindred institutions. It is a matter of vital and fundamental importance. Unfortunately there is so general a resort to military men (old soldiers) as the chief source of prison guardianship in Europe, that the religious element has, in a great degree, been neglected."

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#### CHAPTER LXXVIII. — GRAND-DUCHY OF BADEN.

THERE are in Baden houses of correction, central prisons, district prisons, and fortress prisons. The system is in part cellular, and in part associate. Both plans are reported as yielding favorable results.

The number of prisoners confined Jan. 1, 1871, and which probably represents about the average, was : Houses of correction, 303 ; central prison of Bruchsal, 441 ; district prisons ; under sentence, 198, — awaiting trial, 227. Total, 1,169. Of these, eighty-five per cent were men and fifteen per cent women.

The support of the prisons is derived from three sources, namely, (1) payments by prisoners who have property, which amount to very little ; (2) the labor of the prisoners ; (3) subsidies by the State.

The gains from prison labor differ materially, according to the duration of the punishment, the class of prison, and the number in each. The product of the trades carried on in the cellular prison of Bruchsal has sometimes sufficed to pay the whole expense of the establishment, with the exception of the salaries of officers ; and for twenty years it has, on the average, paid considerably more than two-thirds of the current expenses.

To superior officers, on retirement from service, there is granted an annual pension equal to four-fifths of their salary : to the inferior, equal to one-half.

All the prisons are in the control of the minister of justice ; but there are local councils of inspection for all the larger establishments, which exercise sundry powers of administration under the minister. The superior officers are appointed by the grand duke, the inferior officers by the minister. Their appointment is during good behavior.

Imprisonment is reduced one-fourth for good conduct, but this reduction cannot be earned unless the sentence is at least for a full year. The prisoner is liable, on misbehavior, to be recalled after discharge, to serve out his full term, without counting the time he may have been out.

For the performance by the prisoner of the daily task required, which is equal to the average work of a free laborer, the sum of



three kreutzers is placed to his credit. For additional work this sum may be increased to six kreutzers. To this reward diligence and the result of efficient work alone contribute, good conduct not being considered. Other rewards are special gratuities, the privilege of spending a part of their *peculium* in procuring increased comforts, such occupation as they like, and school prizes.

The offences against discipline most common are communications with their fellow-prisoners.

The disciplinary punishments in use are reprimands, withdrawal of privileges, solitary confinement with or without light, privation of bed, diminution of food and drink, and coercive chair (the prisoner being bound to a solid chair). A full record is kept of all punishments.

The highest value is attached in Baden to religious instruction in prisons. Chaplains are provided for all prisons and for all religions. They hold religious service, give religious lessons, enter into religious conversation with the prisoners, inspect the prison schools, keep an eye on the prisoners' occupations during their relaxation, and correspond with the ministers of their abode; this correspondence gives moral protection to the prisoners after liberation. It is their duty to give particular attention to sick prisoners, to those depressed in spirit, or showing any tendency to insanity. They visit the sick weekly, and the other prisoners at least every fortnight. It is their duty at these visits to awaken, so far as possible, moral and religious feeling in the prisoners and to further their reformation.

No volunteer visitors are admitted into the prisons to labor for the moral benefit of the inmates, nor are there in them Sunday-schools.

In Baden only four per cent of the prisoners are unable to read when received. Schools are organized in all the prisons. Male prisoners under thirty-five are required to attend, women till they are thirty; beyond the ages named, those attend who choose. The subjects of instruction are the same as those in good primary schools. With few exceptions, the prisoners make satisfactory progress. Every prison has a good library. The books in it are religious, instructive, and entertaining. The prisoners for the most part are fond of reading. Books written expressly for prisoners are in little request. Educated prisoners prefer voyages, biographies, and technical books; those less educated, tales. Suitable reading exercises a beneficial influence; it instructs and invigorates the prisoners' minds, and thus aids their reformation; it favors discipline by removing the feeling of *ennui* and the tendency to disorder.

The labor of the prisoners is not let to contractors, but is managed by the administration itself. This system is preferred because it enables the authorities to observe the state of each

prisoner and to exclude all outside elements prejudicial to discipline and reformation. It is sought to introduce variety of trades, so that too many may not be employed on any one to the injury of private industry. An extensive market and the highest prices are sought. Forty per cent of the prisoners are ignorant of a trade on entry. To impart to these a trade and the power of self-help, if they have the requisite ability and stay long enough in the prison, is the principal aim.

Sanitary conditions are in general good as to site, water-supply, sewerage, ventilation, cleanliness, body and bed linen, light, heat, etc. The cells are lighted with gas. Each prisoner has a wooden or iron bedstead, a mattress of straw, sedge, or varec, a bolster of the latter substance, two sheets, and one or two counterpanes. The sick have, in addition, cushions, etc. The general distribution of time, without minute accuracy, is ten hours for work, nine and one-half for sleep, and the remaining four and one-half for meals, exercise, religious services, and school. The sick are cared for in special cells, or in common hospitals when their complaints are serious enough to require it. The death-rate is from one to two per cent.

Punishment is the primary aim of imprisonment in Baden, but it is intended to be so inflicted as to make it contribute to the reformation of the imprisoned. Prisoners on leaving the prison are generally better than when they entered it. The proportion of those who return to a criminal course after release is twenty per cent.

Imprisonment for debt does not exist in Baden.

There are twenty-one prisoners' aid societies in the grand-duchy. The directors of the penitentiary establishments are required to enter, for this purpose, into correspondence with the authorities of the political administration some time before the liberation of each prisoner; it is made the duty of these authorities to unite with the prisoners' aid societies and with the local authorities in providing for liberated prisoners. The results are satisfactory.

The cellular prison at Bruchsal it has been my privilege to visit more than once, and on one occasion to spend a week there as the guest of the director, Mr. Ekert. Although the system is intended to be rigorously cellular, there is a department of the prison, called the "auxiliary establishment," where association is permitted to the following classes of prisoners: 1. Those who have been in cellular separation six years, unless they elect to remain in isolation. 2. Old men who have passed the age of seventy. 3. Prisoners adjudged not fit for cellular separation on account of the state of their health, bodily or mental. There were about thirty persons in the auxiliary establishment out of a total of three hundred and eighty-four. Not more than nine per cent are

detained for periods exceeding four years. Though a zealous supporter of the separate system, Mr. Ekert states, in one of his reports, that after three years of cellular confinement the muscular fibre becomes remarkably weakened, and that, to require hard work after that would be tantamount to requiring an impossibility.

The different occupations of the prisoners run up to eighteen or twenty. Every prisoner learns a trade who was not master of one before his committal. To some extent the prisoner's own preference is consulted. More than half had not learned a trade prior to committal. They are encouraged and incited to diligence by being allowed to share in the product of their toil. Two chaplains are employed, one for the Catholic, the other for the Protestant prisoners, who severally hold service twice on Sunday and once on Wednesday, besides doing abundant pastoral work in the cells. Two schoolmasters also devote their whole time to the work of scholastic instruction in the cells. An annual examination of the prison pupils takes place, at which premiums are distributed to the deserving, consisting of books, copies for drawing, tools, etc.

The superior officers meet daily for conference, when they make report of their respective observations for the last twenty-four hours, and take counsel together for the future.

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#### CHAPTER LXXIX. — BAVARIA.

**B**AVARIA has four cellular prisons, — three for persons waiting trial, and one for prisoners under sentence. This system has existed for only a few years, but is said to gain adherents daily.

Not more than one-sixth of the current expenses of the prisons is met by the revenue from prison labor, about two-sixths from fines, and the remaining moiety from the public fisc.

The pension on retirement is regulated by the length of service. If retirement becomes necessary within the first ten years, it is seven-tenths of the salary; if within the second ten, eight-tenths; if within the third ten, nine-tenths; and after forty years of service, or after the officer has reached the age of seventy, the pension is the entire salary.

The administration of the prisons is in the jurisdiction of the minister of justice. The inspection varies according to the class of the prison. For the cellular prison at Nuremberg there is a special council of inspection. The directors are appointed by the



king; the chaplains, surgeons, schoolmasters, and trade-instructors, by the minister; the keepers and clerks, by the director. The director alone is appointed for life; but the service, so far as the others are concerned, though not *eo nomine*, is yet in reality during good behavior.

Prisoners may shorten their terms of sentence by good conduct one-fourth.

The proportion of their earnings allotted to prisoners varies from two to four kreutzers a day. In this award regard is had to good behavior as well as to industry and capability. Other rewards given to act as an incentive to good are permission to buy or receive extra articles of consumption; permission to receive more frequent visits and conduct a more extensive correspondence; formal praise or recognition; receiving better and more lucrative work, school prizes (presents of books), and rewards for work (presents of money up to four florins).

The disciplinary punishments are reproof, non-payment for labor up to four weeks, reduction of rations for a term of from eight to fourteen days, arrest with or without work to a period not exceeding four weeks, imprisonment in a dark cell for a term not exceeding ten days, and wearing of irons, but in such a manner as not to prevent the prisoner from walking. Corporal punishment is forbidden by law. Every punishment is entered in a book kept for the purpose, an extract from which is added to the documents furnished to each prisoner.

All the larger prisons have chaplains wholly devoted to the duties of their office; in the district and police prisons the clergyman of the locality officiates. The regular chaplain is bound to hold divine service in the forenoon of every Sunday and holiday and on the king's birthday, and in the afternoon of Sunday to give one hour's reading or exhortation, and to hold a religious service on one week-day; to administer the sacrament to sick prisoners when they demand it, and to those in health once every three months; to give religious instruction twice a week for one hour; to visit the prisoners confined in cells at least every fortnight; to correspond with the clergymen of the places to which the prisoners belong; and to act as librarian.

Volunteer religious workers are not admitted. There are no Sunday-schools in the prisons, but on that day instruction in drawing is given to the prisoners.

Twelve per cent of the prisoners on commitment are illiterate. Schools are established only in houses of correction and the general prisons. Attendance is obligatory till thirty-six; after that it is optional. But prisoners under thirty-six who are already sufficiently educated are excused if they desire it. School instruction comprises reading, writing, arithmetic, geography, and German. Choral singing and drawing are also taught, the two latter

subjects being optional. Prisoners who attend school for less than four months make no great progress; those who have a longer term make very considerable advance. The libraries consist principally of treatises of a religious and moral character, of books which are generally useful, of popularly-written works on natural and general history, and of popular editions of German classics. Almost all prisoners in cells read a great deal and enjoy it, but those undergoing collective imprisonment prefer conversation. Reading exercises a good influence by doing away in great measure with the evil consequences arising from idleness, and promotes the prisoner's improvement by the cultivation of his mind. Simple tales and entertaining books are preferred, — religious books least of all.

The several industries in the Bavarian prisons are conducted by their respective administrations. It is held that when prison labor is given to contractors, another authority is placed between the administration and the prisoner, which cares only for making the greatest profit out of the prisoner's work. Not only is discipline thereby interfered with, but the character of the punishment is changed and its purpose is placed in jeopardy. From the disciplinary and penitentiary point of view the giving of prison labor to contractors is condemned, even though the profit derived therefrom may be greater than if the administration carried it on. The proportion of prisoners who on entering prison are ignorant of a trade is twenty-nine per cent. It is made a special object to impart a trade, and so to teach the art of self-help to all prisoners who have the necessary capabilities and whose terms of sentence are long enough to permit it.

The sanitary condition of the prisons varies, — in some it is all that can be desired; in others it is far from having reached such a condition. Different kinds of water-closets are used. In the cellular prison at Nuremberg there are fixed closets made of cast-iron, which by means of water-pipes are cleaned three times every day. The bend or neck which connects the closet with the refuse-pipe remains always full of water, and thereby shuts off all sewer-gas. By means of the water all the matter is carried off and falls into a reservoir at some distance, whence again the liquid part is drained off into a stream. This arrangement works well. Four per cent represents the average of the sick, and two per cent the average death-rate.

Although reformation is looked upon as one great object of the prison system, the favorable results desired are not upon the whole obtained. The proportion of reconvictions is about thirty per cent.

To be eligible to the directorship of a prison, the candidates must have studied the prescribed subjects in philosophy and jurisprudence, and passed the examination admitting them to act as

judges. Candidates for the position of physician, chaplain, or teacher must have completed the studies connected with their several professions, and undergone satisfactory examinations. Special schools do not exist for the education and training of prison officers. Such schools, it is held, would be desirable, since much harm is done by ignorance in the treatment of prisoners.

Repeated short punishments for minor offences are not found to produce any good effect; either the prisoners become embittered, or the punishments on account of their frequency lose their effect. More, it is believed, can be done in such cases by reproof and teaching than by punishment. Reconviction, especially for robbery, theft, and the concealment of stolen goods, is very heavily punished.

As principal causes of crime are mentioned: 1. Want of religious teaching. 2. Abnormal family relations. According to a law that existed up to the year 1868, marriage between persons who possessed no landed property was exceedingly difficult, and in consequence illegitimate births were very numerous. As a result of the want of the beneficial influence which family life exercises, illegitimate-born form a considerable proportion of all prisoners. 3. Neglected education, especially in those parts where children are employed in the guarding of cattle or in working in manufactories. 4. Rough manners and customs. In some parts of Bavaria it is still a custom of the peasants to carry long stiletto-like knives when visiting public houses and dancing-places; and thus, on Sundays and holidays, the slightest cause leads them to inflict on each other severe injuries.

I enjoyed the much desired privilege of personally inspecting the convict or central prison at Munich, so well known and so celebrated as the scene of the labors of Councillor von Obermaier, one of the most illustrious of prison reformers. It is an old monastery of great extent but extremely irregular. Under Obermaier, sentences were from five years to life; now they are from one year to life. In Obermaier's time it was wholly congregate; now it is partly cellular. There were five hundred prisoners at the date of my visit, of whom fifty-five were in separation. The prisoners dine at eleven o'clock, and after that are permitted to amuse themselves in the large courtyards of the prison till one P.M. I arrived just in time to see them during this season of relaxation. The keepers maintain a general supervision, but otherwise they are quite unrestrained. Passing through the different courts, I observed that all were perfectly well-behaved. They conversed freely together and engaged in a variety of amusements, but without tumult, disorder, or any approach to unseemly noise. I made special inquiry as to the influence of so unusual an indulgence, and the answer received was



substantially as follows: At their promenade in the courts the prisoners are allowed entire freedom. They choose their company and their subjects of conversation as they see fit. This system, far from being attended with evil consequences, is found preferable to that which forbids all converse. Nevertheless, to guard against the evil which might be done by the worse to the better prisoners, the former are excluded from these collective recreations, and are required to take their exercise in separate yards, which is a quiet but powerful means of maintaining order and preventing excesses in the associated courts.

Contraband traffic, especially in tobacco, is the offence against discipline oftenest committed. The punishments are reprimands, diminution of rations, privation of peculium, confinement in a cell, the dungeon, and, in bad cases, irons. Corporal punishment has been abolished since 1861. Since its abolishment the number of offences has greatly diminished. Prior to its prohibition the prisoners were in a constant state of irritation, and open revolt was not infrequent. Since then nothing of the kind has occurred. The prisoners are tranquil and docile. School is held daily for two hours; there are six classes, and each class receives two hours' schooling per week. Better would it be to double the quantity. The branches taught are those common in primary schools, with a little chemistry and natural science superadded. The progress made is fair.

As in Baden, the prisoners nearly all know how to read when committed; but the greater part have not learned a trade. The industries pursued in the prison are many, including lithography, book-binding, shoemaking, spinning, weaving, painting, carpentry, etc., besides domestic labors and other work for the establishment, in which latter thirty-eight prisoners find employment. The net earnings in 1871 amounted to \$11,977, which was considerably more than sufficient to meet a fourth of the expenses.

The prisoners sleep as well as work in association. Obermaier had a strange liking for this system, and no doubt his extraordinary genius for controlling bad men and moulding them to his will enabled him to overcome many of the evils inseparable from it. It is, however, inherently and ineradicably vicious, and is now condemned by the common judgment of the world.

I visited with much interest the detention prison at Munich. It is upon the cellular plan, as all prisons of this kind ought to be, with accommodations for fifty men and twenty women. A very few receive short sentences to this prison, but they are quite exceptional cases. It is not intended as a punishing prison, but simply for safe custody. Labor is not exacted; but such prisoners as have a trade are permitted to work at it so far as there is opportunity, and are entitled to whatever they earn. It may be pronounced a model prison of its class.

## CHAPTER LXXX. — SAXONY.

THE prisons of Saxony are divided into the following classes :  
1. Prisons for severe punishment. 2. Prisons for less severe punishment. 3. Fortress prisons. 4. Prisons belonging to courts of justice. 5. Prisons belonging to police courts. The average number in confinement in the prisons of all classes is between four and five thousand.

In its penitentiary system the Government has two principal objects in view, — the satisfaction of justice and the reformation of the criminal.

Since 1850 the penitentiary of Zuickau has been especially distinguished by a successful application of the principle of individual treatment, partially but not mainly by cellular separation, yet in such manner as the special character of each prisoner might require. The Saxon Government was in consequence induced to extend the same system to all its prisons. The Government more readily placed confidence in the new method, because it works by no complicated apparatus, complies with existing circumstances, is based upon the principle of individual treatment, and so combines different modes of imprisonment as to gain the best results. Thus the common modes of imprisonment and treatment are excluded ; and, just as a physician prescribes suitable medicine and diet for his patients, so the administration provides fit education, work, and food for its prisoners. The penitentiary of Zuickau gave proofs that this idea was not only theoretically right, but also practicable. The Government, therefore, in 1854, resolved that all the Saxon prisons should adopt the new regulations for internal management and the treatment of prisoners. Accordingly there is in Saxony no penitentiary where either solitary or collective imprisonment is exclusively employed ; both modes are used, according to the prisoner's individual wants. Saxony has eleven prisons where, especially during the last ten years, the reforms mentioned above have been carried into effect.

There exists no one central authority for the administration of the penitentiary system. The administrative authority rests, except in prisons belonging to courts of justice and police, in the hands of the ministry of the interior. The ministry of justice takes cognizance by commissioners of the manner in which the sentence is carried out, and also controls the domestic arrangements. The prisons belonging to courts of justice, in which imprisonment not exceeding four months can be undergone, are superintended by the ministry of justice.

Effort is made to revive and cherish hope in the heart of the criminal, — the hope of improving his condition in prison, the

hope of shortening his term of imprisonment, the hope of a complete moral amendment, and the hope of regaining a respectable place in society. The church, the school, and the workshop are regarded as the best means, in the hands of a sensible officer, for effecting moral reformation. The administration aims at making the prisoner understand that he can make progress neither in prison nor in civil life without radical and real amendment.

The religious wants of the prisoners are equally cared for, whatever their creed. As in every truly religious household all the members must lend to each other a mutual help, so in the Saxon prisons all is arranged to promote moral education by a common worship of God and individual care of the soul. But the use of extraordinary moral agencies is not allowed. Hence visitors from outside are not admitted.

The prisoners are generally sufficiently instructed in the elementary branches on their committal, but not many of them have gone much beyond that degree of education. The penitentiary takes especial care to supply the defect of the elementary education by obligatory weekly instruction. The general and special preparation for their calling is supplied to the prisoners by free instruction on Sundays. Such instruction is not obligatory, but the prisoner has a claim to it arising from good behavior. It is voluntarily given by the officers and not by the clergymen and teachers alone. The library in the penitentiary of Zuickau contains five thousand volumes of religious, instructive, and entertaining books, thus providing for all the mental wants of the prisoners, who, under the careful guidance of the teachers, are diligent readers.

Saxony, one of the most industrial of countries, produces in her prisons almost all the different articles of industry and trade. The work is partly given to contractors, who are entirely subject to the administration of the penitentiary, and is partly managed by the latter itself on its own account. The system of giving the work to contractors who are in entire subjection to the administration has the preference, because, as is thought, the officers cannot be at the same time good artisans and good officers, and because the interests of the two would conflict. I feel constrained to enter a dissent to this view. The profits of the labor cover from one-third to one-half of all the current prison expenses.

From the combined results of science and experience prisoners have received since 1851, conformably to a regulation regarding meals, sufficient and nourishing food. This regulation provides for a daily variety suited to the season and the promotion of health. For dinners there are ninety, for breakfasts and suppers twenty-eight, varieties of dishes. On principle such food is given to the prisoner as is required for the preservation of his life, health, and strength for work. Requisite medical attention



in every respect is supplied. The ventilation is arranged in a simple but effective manner. Drainage (in a technical sense) does not exist, but a system of sluices removes all the underground water. To cleanliness the most strict attention is paid, and it is rigorously insisted on in workshops, dormitories, water-closets, and clothing; there is also a regular use of baths. The daily average of cases of illness is from one to two per cent; the annual average of cases of death is one to three per cent.

In Saxony reformation is made one of the chief objects of imprisonment. The prisoners are in general morally better on leaving the prison than when they entered it. Their promises that they will live honestly are in most cases not mere empty phrases; and when some have failed in their purpose of amendment, the fault is mostly to be traced to existing general social evils. For successful warfare against these evils liberated prisoners are wanting in energy, and often lack the succors that society might easily extend to them, and thus help them to stand.

The officers are appointed by the ministry of the interior. They are at first employed on trial, and are dismissed if found incompetent. Political influence does not enter into consideration. The qualification of the officers is on the average good. Separate schools for training officers do not exist. Most of the superior officers undergo, before their definitive appointment, a practical training in one of the penitentiaries. The higher the duties to be fulfilled become, and the more carefully the system of individual treatment is carried out, the more a knowledge of these duties approaches to a science, the more necessary are the studies of pedagogy and psychology, and the more it becomes absolutely requisite to make special studies in order to assist in attaining the highest efficiency in the administration. Just as no teacher can now be chosen, contrary to what was the case in times past, from men of another calling, but must be a man who has received a thorough education in his special branch, so the officers of prisons will be required to have special training, and therefore in future special schools will become a necessity.

Saxony has had for above a generation two reformatories for the education and reformation of children of both sexes, besides a house of correction for young persons aged from sixteen to twenty years. The industrial occupation in these houses is agriculture, but mechanical occupation for the wants of the reformatory itself is not excluded. The admission of children takes place mostly at the request of their relations, of societies, or of police authorities, who are asked to contribute a small sum of money. Children up to twelve years and young persons up to eighteen years of age are placed under this reformatory treatment. According to age, school instruction, occupation in the field and garden, and domestic work are the means of education.

At the proper time those promoted for good conduct are first sent into agricultural or domestic service, or apprenticed to tradesmen under proper supervision by the authorities of the reformatory. Conditional liberation must as a rule precede complete freedom. Well-disposed inmates of the reformatories, of the age of less than twelve years, are sent to board in carefully-chosen families, the reformatory paying for the board. Even these have to undergo a period of conditional liberation before attaining full freedom. The term of probation for children is at least two years; that of young people, one year. The results obtained in these reformatories since 1856 have shown that such as were liberated after a probationary period, and who on account of relapse were sent again into the penitentiary, amounted to only seven per cent.

Reformatories and asylums established and supported by societies endeavor to reform neglected children by giving them domestic discipline and separate or public schooling. They mostly keep the children till they are fourteen years of age. Unmanageable children are sent for further education to the above-mentioned State reformatories. The number of children annually admitted to the State reformatories will average about three hundred and fifty; the number received into the asylums is somewhat less.

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#### CHAPTER LXXXI. — WÜRTENBERG.

THE prisons of this little kingdom are: 1. Reclusion and hard labor, four; of which two are exclusively for men, one exclusively for women, and one for prisoners of both sexes. 2. Country prisons, three, — intended for misdemeanants. 3. Fortress prison, one, — for political prisoners. 4. Prison for minors, one. 5. District prisons (common jails), chiefly for persons under arrest; but petty offenders are also punished in them for periods not exceeding four weeks.

The congregate system of imprisonment, with common dormitories, still prevails; but recently a cellular prison has been opened at Heilbronn.

The economic and correctional administration of all the prisons of Würtemberg is controlled by a central authority, which also exercises supervision over district prisons for preliminary detention and minor punishments. The central authority, which is subordinate to the minister of justice, is composed of members of the ministries of justice, the interior, and finance; it has also attached to it some eminent ecclesiastics, a physician, an architect, and a merchant.

The directors and other chief officers are appointed by the king, on the nomination of the minister of justice, who first consults the board of commissioners. These appointments are for life. The subordinate officers are appointed by the commission.

Conditional liberation has been introduced as an agent in the discipline. Industrious prisoners receive for their application and good conduct a part of their earnings, this part is fixed by the administration at one-fourth; but if their earnings exceed eight kreutzers per day, they can receive only two kreutzers. Prisoners who are distinguished for good conduct are encouraged by being placed in a higher class, by receiving more agreeable and more profitable employment, by being allowed more frequent communications with their friends and more liberty to make purchases out of their earnings, and by being recommended for pardon.

The chief disciplinary punishments are restricted communication with friends, withdrawal of the prisoners' share of their earnings, diminution of food, solitary cell, and darkened cell. In reclusion prisons irons are sometimes applied. Corporal punishment is not authorized. An exact register of punishments is kept.

In all the prisons there are Protestant and Catholic chaplains. Their duties are to hold divine service on Sundays and festival days, and to give once a week religious instruction to the prisoners of their respective creeds, and general pastoral counsel on all suitable occasions. For prisoners of the Jewish faith there is similar provision for religious instruction. The labors of the chaplains are reported as most beneficial in their results. Permission is not given to volunteer laborers to enter the prisons on missions of benevolence to the prisoners.

Prisoners unable to read and write on admission form a rare exception. Nevertheless, all prisons have schools, and all prisoners must attend till thirty; after that age, attendance is optional. The prison schools teach the primary branches, and are as efficient as the ordinary public schools. Attentive and diligent prisoners are much pleased to be called to take part in the instruction. In all prisons there are libraries; the books are religious, instructive, and entertaining.

Besides the work done for the prison itself, there are carried on in the prisons of Würtemberg fifteen to twenty different trades by the men, and eight or ten by the women. Both industrial systems find place, — that of letting the labor to contractors and that of directing it by the administration. It is held that preference should be given to the one or the other according to the nature of the work. More than half the prisoners, when received, have a knowledge of some trade. So far as possible, the prisoner is put at the same trade in prison at which he worked before, or he is taught some other, selected by himself, of those carried on in the



prison. Liberty of choice is also given to those who had not learned a trade before their imprisonment.

The sanitary state of the prisons is satisfactory as regards sewerage, water supply, food, cleanliness, water-closets, ventilation, beds, bedding, etc. Frequent bathing of the entire person is exacted. Most of the prisons are lighted with gas.

All the prisons have hospitals, which are supplied with every thing necessary for the sick ; but prisoners who are only slightly indisposed are treated elsewhere. The diseased in mind are removed to an insane asylum. The average proportion of sick in the infirmaries for the last ten years has been four per cent, and the death-rate two per cent.

The primary object of imprisonment is held to be punishment, which is yet intended to be so administered as to effect a reformation in the prisoner. This intent, however, often fails. Of the inmates of the prisons about thirty-six per cent are there on re-conviction.

There are no special schools for the education of prison officers. The directors are usually men who have acted as magistrates, and have been formerly engaged in judicial duties, although ability to act as a judge is not indispensable for gaining the office of a director. The keepers are mostly non-commissioned officers who have left the army.

There is no imprisonment for debt.

There is a central patronage society for extending succor to liberated prisoners, with branches in the different districts of the kingdom. It has a membership of three thousand. It seeks to aid its wards by obtaining work for them, and by supplying them with tools, raw material, clothes, bedding, etc.

With regard to youthful prisoners special care is taken to apprentice them, or to place them in asylums which exist in the kingdom for the reception of youths who have fallen into crime or have been neglected. An asylum has been more recently founded for girls of a more advanced age. It also receives liberated young women. In accordance with established regulations, it is the duty of commercial and State authorities to counsel and aid liberated prisoners.

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## CHAPTER LXXXII. — FRANKFORT-ON-THE-MAINE.

I HAVE been furnished by Dr. Varentrapp with the following short memorandum concerning the actual state of the prisons in this once illustrious free city, now no less illustrious, but absorbed (*volens volens*) into the Kingdom of Prussia.

In Frankfort, a small independent republic till 1866, the first steps toward prison reform were taken in 1840. On the 30th March of that year, a prison commission, previously created by the senate, proposed to that body the introduction of the cellular system and the construction of a penitentiary in close imitation of that of Pentonville, London. The senate approved these plans, but they failed to receive the concurrent approval of the legislative assembly. No conclusion was reached, and the matter slept for ten years. The senate then submitted to the lower house a new proposition similar to the one previously presented. A committee, appointed by that body brought in a detailed report giving a critical review of the penitentiary question in all countries, and proposing separate confinement as the basis for both preliminary and penal imprisonment, and asking by way of a commencement for the erection of a cellular penitentiary for two hundred men and sixty-four women. This was on the 27th September, 1856. The propositions of this report were adopted nearly unanimously by the legislative body. In 1860, a competition for the plan of such a penitentiary was opened, and eleven different plans were received from as many different architects. In November of that year a jury, composed of Ducpetiaux, Fuesselin, Henreich, Hochstätter, and Varentrapp, declared three of these plans equally meritorious, and proposed to form an eclectic plan out of the three. Every thing seemed ready for execution. But, meanwhile, many new members had entered the senate, and a long contest ensued as to where the new prison should be erected. Then came the year 1866 when Frankfort became a part of the Prussian monarchy. Since that time the municipality of Frankfort has looked upon the construction of prisons in that city as a duty incumbent on the State. Probably a prison for preliminary detention will be erected within the next few years. When the penitentiary will come is quite uncertain. Owing to the circumstances narrated above, the existing prisons of Frankfort are in a condition that leaves much to be desired.

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#### CHAPTER LXXXIII. — GRAND-DUCHY OF BRUNSWICK.

POLITICAL considerations have no influence whatever in the appointment of either the higher or the subordinate officers in the prisons of Brunswick. Merit is the sole criterion. The first qualification sought in the director of a prison is a thorough knowledge of the duties of his post. He should be conscious of an inward calling to his work; should know how to unite rigor

with gentleness ; should be able to judge quickly and accurately of men and things ; and should be well instructed in all the branches of penitentiary science. He need not belong to any special liberal or learned profession, not even to that of law and jurisprudence. Nevertheless, an acquaintance with the principles of law, particularly of criminal law, it is held, will be of great advantage to him, and that for two reasons ; namely, (1) he will be better able to resolve questions relating to prisons than one who has given no attention to studies of that nature ; and (2) it often happens that the prisoners need to consult him on points of law. In the under-officers are required good morals, order, self-control, knowledge of men, a certain degree of literary education, and a firm and controlling sentiment of duty. It is indispensable that each have a complete mastery of some one of the trades carried on in the establishment with which he is connected.

The prison is considered a just penalty inflicted on the criminal, and should have an intimidating effect ; but at the same time the punishment should be so applied as to accomplish his moral regeneration. Hence the criminal is treated severely, but justly and with humanity. His will is subdued, or rather gained ; and by a benevolent rigor, by a treatment adapted to his special character, by enlisting him in the work of self-improvement, and by an instruction which lifts him to a higher moral plane he is drawn on to the formation of habits of obedience, order, industry, and cleanliness.

It is sought to awaken hope — a force essential to virtue — in the heart of the criminal, with a view to his amendment ; not simply the hope of recompense during his detention, but that of being able to again create a happy life, to regain lost esteem, to become master of his evil inclinations, to lead a regular life, and to become the subject of a genuine conversion, — sole means of absolute safety. The strictest watch of the criminal is maintained ; the smallest infractions of the order of the prison are punished ; but the disciplinary punishments are of a mild character. Experience has shown that in the greater number of cases rigorous punishments produce no effect, while, on the contrary, deprivation of privileges is far more efficacious, and does not interfere with the labor.

The only recompense accorded during imprisonment is the privilege of being able, by good conduct and industry, to obtain a conditional liberation, — that is, an abbreviation of sentence. But the penitentiary administration is admonished to be on its guard against the hypocrisy which may be engendered by this diminution of punishment.

To awaken the moral and religious sentiments of the prisoners, reliance is placed, above all things else, on divine service, — on the lessons of religion and the cure of souls. It is thus sought to



fortify them in whatever may be useful on their re-entrance into society.

The voluntary visits of philanthropists, made to the prisoners with a view to their reformation, may be authorized ; but this is to be done with caution, because with many philanthropists the ardor of their zeal is apt soon to grow cool ; and this abatement of interest may have an injurious effect upon the mind and heart of the prisoners.

Prisoners are permitted to correspond with and receive visits from their family friends. Both visits and correspondence are often attended with happy effects.

The majority of the prisoners on their entrance are more or less ignorant. The greater part belong to the working class, in which what is learned in youth is generally quickly forgotten. In the cellular prisons all are obliged to attend school to the age of forty ; in the associated prisons only to the age of eighteen, — certainly a very extraordinary distinction, and, so far as I can see, without any ground of reason. The instruction includes reading, writing, calculation, composition, natural history, and other branches of general utility. In the cellular prison the results of the lessons are considerable ; in the associated prisons they are less satisfactory. It goes without saying that such must inevitably be the case when the lessons are continued to all till forty in the former, and stopped to all at eighteen in the latter.

The library in the central or convict prison contains instructive, scientific, technical, and entertaining books. Every prisoner receives one book a week, selected according to his instruction, his taste, and his character. Those who ask it are furnished with models for drawing, and may even receive lessons in that art if they so desire.

The proportion of male to female prisoners in the central prison is as five men to one woman.

In fixing upon the trades to occupy the prisoners during their incarceration it is sought to introduce such as will contribute to their amendment and moral education ; such as will not be prejudicial to their health, and such as will enable them to pursue their trade as a calling after their liberation. The trades actually in use are those of carpentry, carving in wood, engraving, brush-making, shoemaking, tailoring, book-binding ; the weaving of wool, cotton, linen, and hemp ; the manufacture of paper-boxes, of tin-ware, and of carpets ; gilding ; the coloring of maps and figures in lead ; the cutting of corks ; coopering, cigar-making, and the manufacture of cigar-boxes. The women are employed in making gloves and linen-bags.

The question whether the labor shall be managed by the administration or by contractors, and which is the best plan, has been resolved in favor of the latter. Its management by the institu-

tion might produce better financial results, but it would be likely to interfere with and obstruct a due application of the punishment. Such is the view held in the Grand-Duchy of Brunswick; and it is claimed that there results from this mode of utilizing the labor no inconvenience as regards the order and discipline of the prison. But the minister of state, Mr. Schultz, adds that this result in Brunswick may be due to the fact that there all the under-officers are masters of some trade, and that they take charge of, or at least greatly aid in, the industrial apprenticeship of the prisoners.

The keep of each prisoner amounts to about two hundred and ten marks (equal to fifty-two dollars) per annum; and the product of the industrial labor to each man so employed is about two hundred and seventy marks. The profits of the labor nearly cover the current cost of the central prison.

The death-penalty is applied only in case of murder, proved by incontestable evidence. Public opinion is decidedly in favor of its retention in such cases.

Imprisonment for debt no longer exists in the German empire, and of course not in Brunswick.

Since the year 1873, — that is, since the introduction of a serious penitentiary reform, — it is certainly very rare that a criminal leaves the prison worse than he entered it; but the improvement of the prisoners who leave the associated prisons is reported as less satisfactory than that of those who have been subjected to the cellular régime.

No statistics of relapse can be given with regard to prisoners who have undergone their imprisonment in association. Such persons have been sentenced for terms not exceeding a year; and the directors of German penitentiaries report only prisoners who have undergone a longer detention and have been again convicted. In the years 1874, 1875, and 1876, one hundred and eighty-nine prisoners were discharged from cellular prisons. Of these there have been again imprisoned, so far as known, nineteen, — that is to say, ten per cent.

The penitentiary administration asks the prisoner prior to his liberation if he desires assistance to procure the means of existence, and if so, it provides for his necessities, either directly or through persons who find work for him, or, in case of need, temporary board. The administration gives to whomever it addresses exact information concerning the character of the prisoner for whom it seeks employment, and even, if need be, pays a part of his expenses to the employer who gives him work. The administration further takes care, at the cost of the State, that the prisoner leave the penitentiary with clothes suited to the position he occupied before his condemnation. So far it has been possible, with few exceptions, to find suitable places for discharged prison-

ers. This solicitude on the part of the administration is of great importance in keeping the prisoners in the right way, and preventing a return to crime. A prisoners' aid society has recently been organized, which will be in direct relation with the prison administration. The public has shown itself favorable to this movement.

Witnesses who cannot be present at the trial are heard under oath during the preliminary proceedings, and their deposition is read when the case is tried. There is no legal authority for their imprisonment, nor is there any other precaution taken to secure their testimony at the trial.

Of the criminals incarcerated in the central prison in 1873-75, nearly sixty per cent were thieves. Next to theft, the most common offences are assaults, resistance against authority, fraud, and attempts on chastity. Among the principal causes of crime are a bad moral education, and especially the materialism of the day.

As regards reforms, the system of isolation is to be more fully introduced. In the mind of the Government the ideal would be to organize the cellular system in all prisons, but it recoils before the enormous expense which this reform would involve.

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#### CHAPTER LXXXIV. — BREMEN.

**B**REMEN, formerly a free city, now forms an integral part of the Kingdom of Prussia. Being a commercial city in active relations with the neighboring States, not more than one half of its prisoners are natives. Prior to 1874 it had only criminal and correctional prisons on the associated plan. Since that date a new radiating cellular penitentiary has been constructed at Oslebshausen, a German mile distant from the city of Bremen. The prisoners occupy separate cells day and night, and separate stalls in school and church,—while their reformation is sought through the influence exerted on them by the functionaries of the establishment, especially the director, the chaplains, and the schoolmasters; by the religious instructions of the chapel and the literary lessons of the school; and by imparting to them a trade whereby on their discharge they may earn an honest living. The mask is not used. It is believed to be but a fictitious means of preventing communications; it wounds the self-respect of the prisoners, without preventing them from entering into relations with each other.

Persons arrested for a violation of police regulations and for



other petty offences are confined in smaller prisons at Bremen, Wegesack, and Bremerhaven, — places in which are also detained prisoners awaiting trial.

The superior authority of the prisons is represented by a commission composed of delegates of the senate and of the municipal council. The members of the senate forming part of this commission exercise the executive power in the prisons, and one of them is specially charged with their inspection and with the supervision of the officers and employés; and it is to him also that the prisoners, when the occasion arises, must address complaints against the prison authorities and appeals from punishments pronounced against them in grave cases. The houses of arrest are directed by an inferior functionary under the control of the authorities of the State. The penitentiary is administered by a director subject to the same control. A pastor and physician of Bremen are charged with ministering to the religious and sanitary wants of the prison. There are, in addition, a steward charged with the management of the labor and the keeping of the accounts, a schoolmaster, a deputy-director, with fourteen male and three female keepers. The greater part of these under-officers, being charged with the oversight of the prisoners' work, must be complete masters each of one at least of the trades carried on in the house.

Political influence counts for nothing in the appointment of the employés.

The discipline of the penitentiary has for its aim at once intimidation and moral amendment. Violent prisoners may be subjected to irons or the strait-jacket. Rewards are intended to encourage the prisoners, to inspire them with hope, and to exercise a reformatory influence. Prizes for labor are every month distributed to such prisoners as have been adjudged by the prison staff to have merited them. The highest monthly prize that can be awarded is three and a half marks, equal to eighty-eight cents of our money. As regards the moral amelioration of the prisoners, that is sought to be effected by religion, education, and work; by giving them a share of the product of their labor; by correspondence with and visits from relatives and friends; and, finally, in the case of prisoners whose conduct is irreproachable, by the hope of receiving a conditional discharge or a free pardon. Pardons and provisional liberations are accorded by the senate.

The want of early education and idleness are believed to be the causes which led the major part of the prisoners into crime. The lessons given in the penitentiary school have in view to improve and cultivate the intelligence of the prison pupils, and thus to expel from the imagination that morbid castle-building and to overcome that relaxation of body and mind which the habitual labor of the cell is not of itself sufficient to conquer. Special

regulations fix the time of attendance on school according to the age and sentence of the prisoners. Prisoners over thirty-five years of age, and those sentenced for less than three months, are not obliged to attend school; to all others attendance is obligatory. The subjects taught are the German language, writing, arithmetic, geography, history sacred and profane, and exercises in composition on assigned topics. The library found in the prison affords good and wholesome reading, both instructive and entertaining, and is a well-recognized agency in reforming criminals and preserving them from intellectual lethargy and inaction.

The proportion of men to women prisoners is that of four to one.

The work done at the penitentiary has chiefly in view the education and reform of the prisoners; profit is a minor consideration. The work is done on account of the institution, either through orders or in advance of them. It is under the sole direction of the employés of the prison; contractors are not admitted. It is believed that outside parties would indubitably compromise the results desired and expected from the imprisonment, whose end is the moral reformation of the prisoners. Unproductive labor — such is the opinion held at Bremen — brutalizes the prisoner; while the admission of contractors compromises the discipline, exerts a pernicious influence, and obstructs the individual treatment of the prisoner.

The industrial branches introduced into the penitentiary are carpentry, lock-making, shoe-making, tailoring, varnishing, straw-braiding; and for the women, knitting and sewing. A few qualified prisoners are employed as foremen in the workshops and as clerks in the bureaus. All the domestic work of the house, and the cultivation of two acres of land planted with vegetables which surround the penitentiary, are executed by the prisoners under the supervision of the keepers.

The annual product of the labor is twenty-five thousand marks, while the current expenses, including salaries of officials, are ninety-eight thousand marks.

The sanitary state of the prison is remarkably good; not a death has occurred since the erection of the penitentiary, and the cases of sickness have been few and slight, all being treated in the cell.

The penitentiary is warmed by means of hot-air tubes, each cell receiving the necessary amount of heat. The ventilation is good. The system of latrines in the cells works in a satisfactory manner; the utmost cleanliness is required and obtained. The penitentiary, being too far distant from the city gasworks to allow of gas being conveyed to it, is lighted by kerosene lamps, each cell having its own lamp fastened to the wall.

An aid society composed of private citizens has been organized, and is doing a good and useful work.

Besides its prisons, Bremen has the following preventive institutions:—

1. The workhouse, a State institution, which receives persons who have been condemned by the tribunals for mendicity, debauchery, vagrancy, drunkenness, gaming, and idleness, instead of providing for the support of their families. There are also admitted into this establishment persons temporarily without employment, but of which they are in search. They are placed in a special division, and are occupied in labors which any able-bodied man is capable of executing or of learning in a short time. They receive wages proportioned to their work.

2. The "Ellener Hof," a child-saving institution for deserted boys.

3. The "Hartman's Hof," a child-saving institution for deserted young girls, not yet vicious, but already somewhat advanced in years.

These two establishments are organized in the same manner as those which exist in the rest of Germany.

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#### CHAPTER LXXXV.—HAMBURG.

IT is some years since the senate of Hamburg perceived the insufficiency of the penal establishments of the State as regards space, construction, and internal arrangements; consequently it was determined to erect a larger central (convict) prison in one of the suburbs of the city, as well as a new detention prison in connection with the criminal courts. The reorganization of the whole penitentiary system was resolved upon at the same time.

The central prison, now (1877) in process of construction, will be completed in 1879. It is organized in view of the introduction of a mixed system,—two-thirds associated and one-third cellular. The plans of the new detention prison, of which four-fifths will be cellular and one-fifth associated, are before the senate for acceptance. Two years will be required for its construction.

The mixed system prevails at present, and is likely to be continued in the future. Hereafter, in place of the present restricted number of cells, it will be possible to subject to cellular imprisonment one-third of the sentenced and four-fifths of those awaiting trial.

The penitentiary administration is confided to a commission composed of two members of the senate and nine members of the municipal council. Under this commission is the director of



prisons, who is held responsible for the discipline and order of these establishments, for the supervision of the labor and finances, and for the enforcement of their rules and regulations. The several prison staffs are under his direction and orders. The prison commission inspects all the establishments as often at least as once in every three months; it hears the complaints of the prisoners, and decides upon the different cases and questions which offer themselves to its examination and judgment.

As a matter of fact, the higher officers possess all the necessary aptitudes and qualifications for their positions, but the education of the inferior employ  s leaves much still to be desired. The proposed reorganization of the whole penitentiary system, including the increase of salaries and the erection of houses for the families of the employ  s, will open the way to the introduction of better elements into the prison service, especially by retaining therein officers who show themselves competent.

There are as yet no special professional schools for prison officers; such schools, it is thought, could not fail to exercise a happy influence on the prison work, whenever there should be found persons qualified to take charge of them.

The discipline ought to be, and is intended to be, at once intimidating and reformatory,—intimidating, by the disciplinary punishments applied to prisoners who, despite exhortations and benevolent reproaches, obstinately refuse to bend to the regulations of the prison; reformatory, by the little rewards accorded to the prisoners for their diligence, their docility, and their progress in learning, as well as by the kindness of which they are made the object in the manner of treating them. Attendance upon school, religious instruction, industrial labor, correspondence with their family and effective succors extended to it, the prospect of pardon or conditional liberation as a recompense to good conduct, after they have served three-fourths of their sentence (only however in case the punishment exceeds a year), and the aid of the prison administration after their liberation in finding work for them and succoring them till it is found,—such are the means by which it is sought to plant and to maintain hope in the heart of the prisoner, with a view to conserve his forces, to induce in him good resolutions, and to incline him to labor for his own moral improvement. Experience has shown that, according to the individual character of prisoners, it is necessary to employ sometimes fear, sometimes hope, to secure a good and effective discipline.

The disciplinary punishments authorized by the rules are admonition; withdrawal of the privilege of procuring additional supplies of food; retention of a part of the product of the prisoner's labor; denial of warm food to a maximum of seven days; the same, with restriction to a bread-and-water diet, and

without other bed than a sack of straw and one coverlet; putting in irons for twenty-four hours; and in extreme cases corporal punishment, but only for men. For the last two punishments there is needed the authorization of the prison commission through its president and an assurance from the prison doctor that they may be applied without injury to health.

The rewards granted are prizes for industry, the privilege of more frequent correspondence and visits, employment in the bureaus of the officers, permission to have a bird or flowers in the cell, etc. All these recompenses are found to be active means of encouraging the better prisoners to try to be content with their lot and to co-operate in their own reformation, at the same time that they gain the respect of their officers and promote the good order of the prison.

The religious education of the prisoners is accomplished through divine service, religious lessons, and the personal intercourse and influence of the chaplain. Their moral education is further effected by the school lessons given to all prisoners whose age and intelligence offer ground of belief that they will profit by such lessons. The employés also, particularly the higher officers, are called to use their best efforts to reform the prisoners and to gain their own hearty co-operation in this work.

The number of criminals who do not know how to read and write on their committal is extremely small, and is diminishing year by year. But that moral education, which can be effected only in the family, is often completely wanting, especially in the case of prisoners of illegitimate birth. The branches taught in prison are reading, writing, calculation, geography, history, drawing, and singing.

The prison libraries contain books of every description,—instruction, scientific, religious, entertaining. Newspapers are allowed, but within restricted limits, and only to prisoners who belong to the higher classes. The proportion of men to women is as five to one.

Productive labor alone is admitted into the prisons of Hamburg. All the prisoners work, even those whose sentences do not make it obligatory. Most of them do not regard labor as a punishment, but as a favor. Besides domestic labors, the prisoners are occupied in making boots, shoes, cigars, baskets, corsets, bags, mattresses, coach-whips, and garments to order; also in plaiting rushes, sorting coffee, splicing sheet-ropes, and book-binding. A few work on the roads, gardens, and dependencies of the prisons. The only labor done on account of the administration is the splicing of sheet-ropes, and that only when other labor fails. The letting of the convict labor to contractors for one or two years, it is claimed, permits greater account to be made of the individual aptitudes of the prisoners, and produces better finan-

cial results, at the same time that the contractors cannot exert any influence whatever on the lot of the prisoners.<sup>1</sup> This system is preferred to that of working the convicts on account of the State.

The product of convict labor covers about one half of the current expenses of the prisons.

The sanitary condition of the prisons as regards diet whether of the healthy or the sick, clothing, ventilation, sewerage, water-supply, etc., is reported satisfactory. Each prisoner has a warm bath once a fortnight in summer and once a month in winter; if sick, oftener. Care is taken that every prisoner thoroughly wash hands and face every morning. The interiors of the prisons are carefully attended to every day, and all the paint is renewed yearly, so that the cleanliness of the buildings leaves nothing to be desired. The new prisons are heated by hot-water pipes, and all are lighted with gas. The average of the sick is about five per cent; of deaths, two per cent.

As regards sentences,—the sentence to “hard labor” is for life or a time. The maximum sentence for a time is fifteen years; the minimum, one year. The maximum of simple imprisonment is fixed at five years; the minimum, at one day.

The practice of repeated short sentences is thought to be unwise, and to tend rather to the increase than the decrease of criminality. It works badly in two directions. On the one side, habitual criminals can at once begin to commit fresh crimes as soon as they are released from a short detention; whereas, on the other, the penitentiary administration is quite powerless to undertake the work of reforming the prisoner, since there is not sufficient time for such a labor.

The death-penalty is pronounced only in the case of murder or an attempt at murder on the person of the sovereign.

Imprisonment for debt no longer exists in Germany, and there appears to be no disposition to see it revived.

The fundamental principle of the application of punishment is, in Germany, held to be the expiation of the crime committed; that is to say, of the violation of the law. It is however further held, that, in seeking the end indicated, every rational penitentiary system ought equally to have in view the moral reform of the criminal. To what extent such reformation is actually accomplished, it is declared difficult to say.

There has existed at Hamburg a prisoners' aid society since 1839. The president of this society is the director of the police, who is also president of the prison commission; the director and chaplain of the prison are members as well. Its resources consist

<sup>1</sup> It is difficult to see how this can be prevented. Certainly such a case has never fallen under my observation.



in voluntary contributions and in revenues derived from moneys which have been bequeathed to it. With these funds it makes grants to discharged prisoners, or otherwise comes to their assistance. The State has ceded, at a very low price, land whereon to construct an establishment in which liberated prisoners who desire it find work, food, and lodging so long as they may be unable to procure other means of gaining a livelihood. The work which is found most profitable to the establishment is cutting fire-wood, because it is an occupation which rarely fails. This establishment is nearly self-supporting. Hamburg in its actual circumstances, it is said, could hardly do without it. It offers an asylum on their liberation to all those natives who are willing to submit to the regulations of the house, and it thus preserves from relapse liberated prisoners by withdrawing them from the temptations to theft, which beset those to whom no asylum opens its doors, and who have no means of earning honest bread. Unfortunately the lot of liberated prisoners does not greatly interest the public; nevertheless, that interest in Hamburg is reported as on the increase.

The larger part of the crimes committed are crimes against property, especially in the form of thefts. The principal causes are dislike of work, excessive devotion to sensual gratifications, and the demoralization produced by intemperance. Recently, assaults represent a large proportion of the crimes committed; and this is attributed to the socialistic movement in the lower classes of working-men, to improvidence despite the increase of wages, and to the dissipation thence resulting.

There is at Hamburg an establishment which may be considered as preventive of crime; it is the Asylum Pestalozzi, into which may be received one hundred children, if the resources of the institution permit. At present it contains about seventy children, not yet vicious, but who would certainly be morally ruined if they were not thus gathered and cared for. This asylum provides for itself, and has no relation with the prison administration. The system adopted is not that of families, but of association.

The Rauhe Haus at Horn, near Hamburg, is well and widely known as both a preventive and reformatory institution; but that has been already mentioned and briefly described in a former part of this work.

On the other hand there is an industrial school, founded and managed by the State, in which are cared for about a hundred children, who, already before their twelfth year, have committed offences against the laws, or given themselves to vagrancy or mendicity. After having received in this establishment a certain degree of instruction, scholastic, religious, and industrial, these children are placed out by the administration either as apprentices or at service; and the administration continues to aid them not

only by its counsels but with money or its equivalent, according to their necessities. For ten years the greater part of the children trained in this establishment have given hope that they would continue to lead a regular life.

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## CHAPTER LXXXVI. — LÜBEC.

IN Lübec persons sentenced to imprisonment serve out their sentences either in the penitentiary or in the detention prison. In both these establishments the mixed system is in use. The average number in the penitentiary is from twenty to thirty; in the prison of preliminary detention from thirty to forty. The latter is placed under the direction of the police, represented by a superior officer of that body, who resides in the establishment; the former under the supervision of a commission composed of members of the senate and of the municipal council. The immediate charge is confided to one of the higher employés of the prison.

Politics has no influence in the appointment of the prison officers.

If the discipline employed should be such as to prevent relapse, it should also have mainly in view the reformation of the prisoners and their preparation for a regular life by training them to habits of order and industry.

The disciplinary punishments are privation for a time of warm food, confinement in a cell, and for grave infractions corporal punishment. Special recompenses are not accorded; but to prisoners who have been conspicuous for exemplary conduct, and who have shown an unmistakable desire to rise in the moral scale, has been granted the boon to be employed on labors more in accordance with their taste than those to which the majority of the prisoners are subjected.

The moral and religious education of the prisoners is committed to a chaplain, who does not confine himself to the celebration of public worship, but who, by personal conversations and counsels, seeks to lead them to repentance and a better life.

There is no school in the prison.

The proportion of women to men is as one to ten.

Only industrial labor is employed. It is let to a contractor, but is executed under the supervision of the establishment. The principal industries are the manufacture of cigars and tobacco, and the plaiting of straw. The product of the labor covers about one-fifth of the cost.

The sanitary state of the prisons is highly satisfactory. Cleanliness is scrupulously maintained both as regard persons and buildings. There has not been a death for several years.

Life-sentences have not been pronounced in Lübec for many years, and there is not at present a life-sentenced prisoner in the penitentiary.

Imprisonment for debt does not exist; it is the penal code of the German Empire that is in force in Lübec as in the other States.

Undoubtedly the moral reform of the prisoners is a leading aim of the discipline, but how far these efforts are crowned with success is known only to Him who reads the hearts of men. Nevertheless, relapses and reconvictions are rare.

The State does not concern itself with the prisoners after their liberation; but there is an aid society which occupies itself with this matter. It works, not without success, through means voluntarily contributed. Unhappily, it cannot be said that the public is much interested in this question.

Theft is the chief crime committed in Lübec. It would be difficult to indicate the causes perhaps; but it would not be safe to say that misery never pushes persons to the commission of larceny.

As regards preventive measures, — there exists an institution, supported by voluntary subscriptions, for the education and correction of vicious children, in which the family system has been adopted. It aims to place the children in the normal conditions of family life, and to make them realize day by day the benefits of that system.

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## CHAPTER LXXXVII. — PRINCIPALITY OF REUSS.

CELLULAR imprisonment is applied in all the detention prisons, except where the number of cells is insufficient; congregate imprisonment in all the penal prisons. The congregate system is applied in the execution of sentences to reclusion and simple imprisonment for terms exceeding three months; but in the case of young criminals sentenced for more than four weeks the imprisonment is softened by the application of the progressive principles of Crofton's Irish system. The prisoners receive for the work done out of hours one-half of the gain realized; with this money they assist their families, or it is paid to them on their discharge. When evidence of reform is observed in the prisoners, a more agreeable labor is given them: they are employed as foremen in the workshops or as clerks in the official bureaus, in which



case higher wages are paid them, and they become entitled to conditional liberation when they have served out three-fourths of their terms of sentence, provided those three-fourths represent a minimum duration of one year.

The control of all the penitentiaries is confided to the government of the principality. The officers are appointed quite independently of political considerations. The qualities required are a vigorous constitution, a good education, perfect sobriety, a moral life, an irreproachable character, self-control, military precision, unquestioning obedience to orders, and a fidelity and incorruptibility immovable. It is claimed that these qualities are found in the larger moiety of the prison officials of the principality. There are no special schools for the education of prison employés; at the same time it is felt that such professional education would be an excellent means of attaining the end proposed by prison discipline.

The discipline of the prisons is at once intimidating and reformatory. To obtain the moral reform of the prisoners reliance is placed on the counsels of the chaplains, directors, and other functionaries; on the public worship of Sunday; on morning and evening prayer in common; on personal religious lessons; and on the recompenses indicated above.

The disciplinary punishments are the solitary cell, the dark cell, the hard bed, a diet of bread and water, and the use of fetters; these punishments are intended to be intimidating. Rewards are employed more often than punishments.

Volunteer visitors are admitted into the prisons; not however for holding Sunday-schools, for that has never been proposed. There would be no hesitation to authorize religious instruction of that sort, given by persons offering the necessary guarantees.

The intellectual improvement of the prisoners is provided for in the following manner: In the minor prisons the inmates are allowed to supply themselves with the means of instruction, so far as the order of the prison is not thereby disturbed, — as would be the case, for example, if music and singing were permitted. In the penitentiaries (penitentiary of Zeits) the same system is in use; the prisoners who are able to pay for their own support may have a dispensation from industrial labor, and may give their time to such intellectual pursuits as may be suited to their taste and necessities. There are also given every Sunday lessons which the younger prisoners are obliged to attend, and others may do so if they choose. These lessons include religion, Bible studies, reading, calculation, and singing.

The libraries are open to the use of all the prisoners. The selection of books is made by the judges, the committing magistrates, the chaplains, and the directors (wardens). They comprise books on all sorts of useful knowledge, — geography, travels,

history, natural science, etc. ; but romances, novels, and works of pure literature are excluded.

The average proportion of the sexes is one woman to four men.

The only labor admitted is that which is industrial and remunerative ; penal, unproductive labor, whose sole aim is intimidation, has no existence in the penitentiaries of Reuss. The principal industries, including the lower as well as the higher prisons, are, for the men, cutting fire-wood, weaving, brush-making, glove-making, carriage-making, tailoring, shoemaking, straw-plaiting, etc. ; for the women, washing and mending. Many of the prisoners are occupied in the labors of the field and the garden, and in a sugar manufactory. The several kinds of merchandise, as gloves, shoes, brushes, etc., are made to order ; the farm and garden-work is done on account of the establishments ; the work in the sugar-factory, for which a high price is paid, is in the hands of contractors.

The expenses of the prisons are not covered by the product of the prisoners' labor.

The sanitary condition of the prisons is satisfactory. The underclothing is washed weekly ; each prisoner receives a clean pocket-handkerchief every week, and personal cleanliness is exacted daily. The ventilation, cleanliness of the cells and buildings, heating and lighting are well provided for. The average of sick is five per cent ; of deaths a little less than one and one half per cent.

The death-penalty still exists, and is not likely to be abolished, public opinion being strongly in favor of its retention. Still, it is fifteen years since any one has been sentenced to death and executed. Some years before a woman had been sentenced capitally, but her sentence was commuted to that of hard labor for life.

Imprisonment for debt has been abolished since 1868.

The reformation of criminals being the chief end proposed in their prison treatment, it may be said that, as a general thing, they come out of the prison better morally than they entered it. The reconvictions are, nevertheless, somewhat in excess of twenty per cent.

Hitherto little has been done to save liberated prisoners from a return to crime. There is no society having this end in view ; but the organization of such an association is in contemplation.

Witnesses to a criminal act are not imprisoned to secure their testimony on the trial.

The most common crimes are theft and embezzlement. The causes must be sought in the love of pleasure, in luxury, and in an insufficient apprenticeship to the different trades. Next to crimes due to cupidity come personal assaults and resistance

to authority. A potent cause of crime is found in the want of religion.

The two institutions for juvenile delinquents and young criminals at Zeits and Carolinenfeld are reported as not having yielded satisfactory results. As regards child-saving institutions, preference is given to those organized on the family principle, in favor of which public opinion is pronounced and decisive.

On the whole, satisfaction is expressed in respect to what has been accomplished, yet it is admitted that perfection has not been attained. It is admitted that religious instruction and effort should be carried further; that more time and pains should be given to scholastic education, particularly as regards young criminals; that those who already know a trade should be perfected in that knowledge; that such as are only day-laborers should be taught some handicraft during their incarceration; that liberated prisoners should be systematically and effectively aided; that destitute and neglected children ought not to be left in the hands of their vicious parents till they become criminals; that the youths of all villages ought to be required to attend Sunday-school; that less tolerance should be shown to public dance-houses; that a better observance of the Lord's day should be enforced; that promiscuous dances should be restricted within narrow limits; that children should be kept away from them; and that parents should be punished who do not send their children to school.



## PART EIGHTH.

## AUSTRO-HUNGARIAN EMPIRE.

## CHAPTER LXXXVIII. — AUSTRIA. — PROGRESS SINCE 1872.

THE latest information I have concerning Austrian prisons is that contained in the discourse which I had the honor to pronounce at the opening of the International Penitentiary Congress last year (1878), in Stockholm, as follows : —

No changes of a fundamental character have taken place since the Congress of London (1872) in the penal or penitentiary system of the Austrian Empire. Nevertheless, Austria has not been idle in this field, and progress may be reported here as elsewhere. The penal code actually in force in that country was adopted in 1852, but a proposition is now pending before the legislative body to modify essentially its provisions, and another to introduce a new system of detention. But, despite these proposed measures for radical reforms, Austria has none the less labored to develop her penitentiary system upon its present bases, especially in the direction of a more extended application of cellular imprisonment. The first prison of this sort was opened the same year with the London Congress (1872). Three others have followed, the latest having been inaugurated last month. Together they contain ten hundred and fifty cells for day and night occupancy ; so far as tried, the cellular prisons are reported as having yielded satisfactory results. Cellular separation in Austria, however, is not absolute. The prisoners are together and can see each other during divine service, in school, and at exercise ; and association to that extent is found to have a favorable effect on the sanitary, moral, mental, and physical condition of the prisoners, particularly those whose intellectual and moral culture is a little elevated. Of this class a considerable number is found among the prisoners in the many different countries that compose the Austrian Empire. Observations carefully made and recorded show the following comparative influence of cellular and associated imprisonment in producing insanity and suicide. The former gives one case of insanity to every one hundred and eighty-six prisoners, while the latter shows only one such case to every two hundred and seventy-nine prisoners. Cellular separation shows one suicide to every one hundred and eighty-four, and associated imprisonment one to every twenty-

one hundred and forty-two. For this reason the Austrian legislation has softened the application of the cellular system in the way mentioned already, and has moreover taken account of the intellectual culture and nationality of the prisoners subjected to that régime. These mitigations are not found to render less efficacious the application of cellular reclusion, or less probable the moral regeneration of the prisoner. The system of progressive classification has been introduced into all the prisons of Austria, both cellular and associated; and its influence has been conspicuous in promoting industry, education, and good discipline among the prisoners.

For a further account of the prison system and administration of Austria, I must have recourse to the official report submitted to the London Congress in 1872.

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CHAPTER LXXXIX.—AUSTRIA (*continued*).—ADMINISTRATION.  
— PRISONS.— PRISON SYSTEM.— SUPPORT.— PENSIONS.

ALL the prisons of Austria are under the jurisdiction of the ministry of justice, which shares its powers of administration with two other classes of authority,—local and intermediate. All matters of minor importance, which are naturally the most numerous, are attended to by the local authorities, and those of a graver character by the intermediate authorities. It is only questions of the highest importance that are submitted to the decision of the ministry of justice. The ministry of justice as the central authority over all prisons is by law empowered to appoint an official from its own office as the representative of the minister, and to intrust him with the supervision and guidance of all prisons. But since 1867 an inspector-general of prisons has been appointed.

The ministry of justice appoints the directors of male prisons, the inspectors of female prisons, the chaplains, the book-keepers, and the financial and medical officers. The subordinate officers are named in certain prisons by the local, and in others by the intermediate, authorities. The tenure of office is, as with all the servants of the State, without limit; that is, during good behavior.

Austria has three classes of prisons, those for male and female prisoners being distinct establishments,—(1) prisons for persons sentenced to more than one year of imprisonment; (2) prisons for persons sentenced to less than one year; (3) prisons of the district courts for minor offences. Of the first class there are eighteen, with a mean population of 10,490; of the second class there are sixty-two, with an average population of 7,103;

of the third, neither the number of prisons nor the population is given.

The proportion of male prisoners to female in prisons of the first class is as five to one, and in prisons of the second class as six to one.

Until quite recently the associated system of imprisonment alone existed in Austria. Since 1867 all new prison constructions have been arranged in such manner that associated imprisonment may be combined with cellular; so that excepting short imprisonments, which it is held in Austria ought to be wholly cellular, every prisoner should as a rule spend at least the first eight months of his imprisonment in a cell and the remainder in association, under conditions of proper classification and a consequent gradually improved treatment and a gradual preparation for liberty. Several prisons of the first class have been built or are in process of construction upon this plan, in which nevertheless it is intended that one-third of the inmates shall undergo their entire punishment in cells, and that the other two-thirds, after eight months of cellular confinement, shall pass into the state of association and enjoy the benefits of a progressive classification. One prison only of the second class has thus far been arranged on this plan.

The considerations which have prompted this change are that collective imprisonment carried through the whole sentence has been found by experience incompatible with individual treatment, and consequently obstructive as regards the moral improvement of the prisoner, particularly in the old and ill-constructed country prisons; so that many are made worse instead of better by their imprisonment. On the other hand, the system of absolute isolation has been attended with this disadvantage, — that it makes the prisoner weak-willed, especially if the confinement is long continued. It incapacitates him to meet successfully the temptations that beset him on his return to liberty. Difference of culture is also found to give a wide difference of result in the application of the cellular system, and many prove on trial wholly unfitted for isolation. On these grounds it has been judged wisest to choose a middle course, and combine the two systems.

The funds for the support of the prisoners come from the State. Here and there, however, there exist small endowments in land or money, the revenues of which are applied to that purpose. In Vienna there is an old arrangement, by which all theatres and public exhibitions must contribute an annual fixed sum, of which half is paid for the relief of the poor and the other half to the prison funds of the province of Lower Austria. The prisoners are by law obliged to pay the actual cost of their keep out of their own property. The income from convict labor amounts to but a small part of the cost.



The directors and officers of the prisons of the State receive when incapacitated the same pensions as its other servants. These pensions are,—after more than ten years of service, one-third ; twenty years, one-half ; thirty years, two-thirds ; forty years, the whole of their last salary.

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CHAPTER XC. — AUSTRIA (*continued*). — DISCIPLINE. —  
RELIGION. — EDUCATION. — LIBRARIES.

THE agencies employed as a stimulus to obedience and industry are : 1. The hope of imperial clemency, which, according to an ancient custom, is extended periodically to a certain number of prisoners on satisfactory proofs of improvement. 2. A share in their earnings in the form of *peculium*. 3. The privilege, accorded only to the well-behaved, of spending for present comforts one-half of what stands to their credit. These encouragements have worked well, and greatly aided the discipline.

The disciplinary punishments are admonition, coarse work, withdrawal of privileges, bread-and-water diet, irons, hard bed, confinement in a cell with work, and confinement in a dark cell. An exact record is kept of all punishments.

In the Austrian prisons of all kinds chaplains and religious teachers are provided for prisoners of every sect, of which the number is considerable. As, however, the greater number are of the Roman Catholic faith, every prison has a Roman Catholic chaplain, and when the number of prisoners is sufficient to require so many, two or more. Besides holding divine service and administering the sacraments, the chaplains are under obligation to visit the prisoners individually, to seek to awaken the moral sense within them, to strengthen them by spiritual counsel and exhortation on their leaving the prison, and in general to labor in season and out of season and by all suitable means to reclaim and save them.

The highest importance is attached to the labors of the chaplains, since religious instruction is found the most effective means to acquaint them with the principles of morality and to lift them up from their moral degradation. Many prisoners have lost heart and have fallen into despondency and even despair, from which they find it impossible to raise themselves by their own unaided exertion. As a consequence, they have become callous and indifferent. Religion alone is capable of reconciling them to themselves, to society, and to God ; it alone can restore hope to the

criminal, the loss of which has been the chief cause of his continuance in a course of crime. Religious influences are therefore considered an essential agency in the moral improvement of prisoners.

Formerly volunteer visitors were excluded from the prisons. A recent Act permits the visitation of cell-prisons by members of societies which occupy themselves with the care and improvement of discharged prisoners.

There are no Sunday-schools in the Austrian prisons, in the American sense of that institution; but on Sundays and all church-festival days lectures are delivered to the prisoners on various subjects of scientific and popular interest.

The average proportion of prisoners unable to read on their commitment is from forty to fifty per cent.

As a rule, all the prisons are provided with schools. All prisoners of a suitable age to learn (thirty-five years and less), and who are either wholly illiterate or of defective attainments, are required to attend the prison school.

The subjects taught are the common primary branches, together with composition, the elements of natural history, physics, geography and history, and in rare cases drawing and geometry. Besides this, in all the prisons for men instruction in vocal and instrumental music is given, but only as a reward of merit and to such prisoners as possess musical gifts. The progress made in the schools is satisfactory.

Libraries have existed in the prisons only during the last few years. The use of libraries is constantly increasing. Those who are able to read receive books for themselves; for those in associated confinement, who are unable, readers are appointed. Preference is generally given to tales, travels, and biographical sketches. Only prisoners of some education ask for books of a higher standard. The influence of this reading is exceedingly good, not only because the keeping of order and quietness is thereby greatly assisted, but because the mind of the prisoner is in this way withdrawn from his every-day life, directed to new objects, stirred to higher and better thoughts, and thereby unconsciously ennobled.

CHAPTER XCI. — AUSTRIA (*concluded*). — LABOR. — HYGIENE.  
— QUALIFICATIONS OF OFFICERS. — IMPRISONMENT FOR DEBT.  
— CAUSES OF CRIME. — AID TO LIBERATED PRISONERS.

PENAL labor, as such, does not exist in the prisons of Austria, although difficult and disagreeable work is sometimes awarded by way of disciplinary punishment. A considerable variety of trades is pursued in the Austrian prisons. No less than twenty are named, and the statement ends with an *et cetera*. Besides handicrafts pursued within the prison-walls, trustworthy prisoners who so desire are employed in open-air work,—as farmers, gardeners, masons, bricklayers, laborers on streets and railways, stone-breakers, etc. Latterly prisoners sentenced by the higher courts are much employed in out-door work. The effect of this is found beneficial in two ways: 1. The prisoners so occupied (the greater part of whom are serving out their first sentences) are thus saved from the evil effects of association with other prisoners. 2. Their health is better, and hence their power of production while at work is greater.

The industrial system is not uniform. In some prisons the labor of the prisoners is let to contractors; in others it is utilized on account of the State. The system of hiring the labor of the prisoners to contractors is preferred, provided always that contractors of a suitable character can be found; otherwise, the prison direction manages the labor on behalf of the State. The contract system is preferred for two reasons: first, because it prevents loss and damage; and, secondly, because it enables the officers to devote themselves entirely to what is deemed their proper duty,—the care of the prisoners. There is, nevertheless, confessed to be a grave disadvantage connected with this system in the fact that an outside element is thus introduced among the prisoners unfavorable to their moral improvement. Still, it is believed that this disadvantage may be reduced to a minimum by a careful selection of contractors, foremen, and workmen. The average proportion of prisoners for the last three years who were ignorant of a trade at the time of committal was, in the higher prisons,—men, eight per cent; women, twenty-four per cent: in regard to the other prisons statistics are wanting. Every such prisoner learns a trade in prison, if he is sentenced for a sufficiently long time. Pains are taken to guide the prisoner in judging of his own capability, that so he may learn to value it, and be thereby induced to earn an honest living. Thus he is taught, not only how to work, but how to estimate the worth of an upright life; and he is quickened in his industry by receiving a portion of what he earns during his incarceration.



The sanitary condition of the prisons is for the most part good. The drainage leaves little to be desired. The water supply is always sufficient in quantity, and generally good in quality. In the southern provinces during the hot season, as the water in many prisons is from cisterns, a modicum of vinegar to be mixed with it is supplied to the prisoners. Most of the prisons are well-ventilated. The cells are thoroughly cleansed and painted every year. The corridors are cleaned daily, and the floors scrubbed with sand and water at least once a month. The cleansing and disinfecting of water-closets take place every day. Personal cleanliness is rigorously exacted. The body linen is changed weekly and the bed-linen monthly. The collective prisons are furnished with portable water-closets; the cellular have in each cell a fixed closet, which stands under a ventilator reaching to the roof. The dormitories and cells are lighted by gas or oil, mostly the latter. The heating of the prisons is done partly by iron stoves, partly by hot air. The bedsteads are generally of wood; in some cases, however, of iron. The bed is of straw, with pillow of the same or of African forest hair, two sheets, and one or two blankets, according to the season. The bed for the sick is the same, but the linen is finer, and it has a cotton coverlet. Nine hours are given to sleep. The remaining fifteen are divided thus: Religious services, one and a half hours; meals, exercise, and rest, two and a half hours; labor, ten and a half to eleven hours; attendance at school (which is taken out of the hours for labor for those who frequent the lessons), two hours. Sick prisoners are placed in the hospital, and cared for according to the doctor's orders by nurses taken from among the prisoners who show themselves worthy of such confidence; but those prisoners who have only slight ailments are treated in their cells. Insane prisoners are taken to the public lunatic asylum. The diseases most frequent are those of the respiratory and digestive organs and of the skin and cellular textures. The average number of sick during the years 1870 and 1871 did not vary much from six per cent. The death-rate in prisons for sentences exceeding a year was three and a half per cent, while in prisons to which the sentences were for less than a year it scarcely exceeded one half of one per cent.

It is held in Austria that, besides a technical knowledge of their calling, prison officers should possess a good general education, and have experience of life, knowledge of human character, firmness, and a serious and humane spirit. The greater number of the officers at present employed in the Austrian prisons, it is claimed, are men of this character. Special training is not provided for this class of public servants. It is thought that the experience necessary for a prison officer may be best acquired by actual service in a prison.

Imprisonment for debt no longer exists in Austria.

The chief causes of crime are believed to be dislike to work, desire for luxuries, impatience of restraint, want of education, and the poverty so closely allied to ignorance.

The effort to procure work for liberated prisoners has been limited hitherto to this, — that those who have learned a trade in prison receive a letter stating that they have done so, and those who have shown themselves particularly attentive receive a testimonial to that effect. In particular cases, steps are taken on the part of the officials to procure work for those prisoners whose conduct has been exemplary and who have given proofs of firmness. The results, however, have been too isolated to afford any statistics upon the subject.

There is only one liberated prisoners' aid society, which is in Vienna. All efforts on the part of the prison directors to call into existence similar societies elsewhere have been unsuccessful. The society in Vienna limits its operation to supporting liberated prisoners till they shall have found occupation, and to aiding them with tools, clothes, etc.

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#### CHAPTER XCII. — HUNGARY AND CROATIA. — RECENT PROGRESS.

HUNGARY has within the past few years realized notable progress in the penal and penitentiary domain. Like so many other peoples, the Hungarians have been revising their system of criminal law. The new code is already before the parliament, and, when enacted into law, will effect a radical reform in the penitentiary system, — a reform in accord with the ideas and exigencies of the times. Indeed, a progressive classification has already been introduced into several of the penitentiary establishments of the kingdom. Every prisoner on his committal is kept in entire isolation for at least six weeks, during which time he is made the object of an earnest study on the part of the officials. On emerging from the cell, the classification begins thus : 1. A probationary class. 2. A reformatory class. 3. A class specially distinguished for good conduct. 4. An intermediate class (*libérés à moitié*).

Scholastic instruction has received a not inconsiderable development in the penitentiary establishments, where are taught not only reading, writing, arithmetic, moral science, the catechism, and biblical history, but also natural history, natural science, geography, rural economy, grammar, and the elements of the Hungarian constitution.

The laws of Hungary know nothing of imprisonment for life. This punishment is judicially pronounced only in those parts of the kingdom where the Austrian penal code is provisionally enforced.

Only one patronage society for liberated prisoners exists in Hungary, and that has had a life of but four years. In spite of its restricted means and its restricted sphere (being confined to the capital), it has accomplished an excellent work. During the four years of its activity, it has aided two hundred and thirty discharged prisoners, and with so satisfactory a result, that, among all the persons so helped and protected, there has been but a single case of relapse, — less than one-half of one per cent.

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CHAPTER XCIII. — HUNGARY AND CROATIA (*continued*). —  
PUBLIC OPINION FAVORABLE TO PROGRESSIVE SYSTEM.

SO far I have cited from my opening address at Stockholm. What follows is a condensed translation from the Italian of a paper addressed to Signor Beltrani-Scalia, by M. Emile Tauffer, director of the penitentiary at Lepoglava, Croatia, on the progressive system of penal detention according to recent experiments made in Hungary and Croatia. The said paper is in the form of a communication, covering twenty-eight printed octavo pages, to Signor Beltrani-Scalia, in answer to three questions put to him by the last-named gentleman.

The first question is: "Whether public opinion in Hungary has shown itself favorable to the Irish progressive system or the cellular system?"

In replying to this question, M. Tauffer goes into a detailed history of the progress of public opinion in Hungary on this question. He shows that for a quarter of a century from 1840 public opinion was almost unanimously in favor of the cellular system, and that nothing prevented its adoption but the absorption of the public mind in political affairs. It was not until the year 1866 that the Irish system became known in that country. The first notice of it, from the pen of M. Tauffer himself, appeared April 7 of that year in a weekly journal of jurisprudence. About the same time appeared, in book form, a larger and more detailed description and defence of the system. To such a degree was the public interest in the system awakened and the public study of it engaged, that in two years' time the whole current of the public sympathy and favor had been turned from the cellular to the Crofton plan of imprisonment. A commission, consisting



of M. Tauffer and Councillor Ladislao Csillagh, was appointed to make a general study of the prison systems of Europe, and more particularly to visit Ireland, and institute an examination of the system on the spot. Their report completed the revolution in public sentiment, and led to the preparation of a bill (*progetto di legge penale*), providing for the adoption of the system by the Hungarian parliament. But the Magyars are a practical people. Therefore, before coming to a conclusion, means were taken to ascertain whether the system could adapt itself to the special conditions of the country. M. Tauffer was in 1869 put in charge of the prison of Leopoldstadt sul Waag, where he was instructed to try the system and observe its effects. The results were such that the Irish progressive system was definitively embodied in a project of law, and after having first gained to its support the public opinion of the nation, it received also the approval of the two houses of parliament, and of the students of penitentiary science, so that not a solitary voice was now raised in opposition to it.

A like reform was accomplished in Croatia by royal ordinance in the year 1877.

M. Tauffer is careful to insist that the absence of all opposition to the system in Hungary and Croatia must not be ascribed to the want of knowledge and study, but it only shows that this was the system best adapted to the circumstances of those countries; for there was no lack of a wide and thorough acquaintance with the cellular system as practised in Baden, Prussia, and Belgium.

#### CHAPTER XCIV. — HUNGARY AND CROATIA (*continued*). — PROGRESSIVE SYSTEM ADOPTED.

THE second question proposed by M. Beltrani is: "How and under what conditions was the progressive system introduced into Hungary, and more recently into Croatia as well?"

M. Tauffer answers this question by citing the exact words, section by section, of the regulations of the central penitentiary of Lepoglava, of which he is director. I shall be obliged to condense, lacking space for so full a citation.

*Mode in which the punishment is applied.* — 1. By absolute isolation for a time. 2. By associated imprisonment, taking account, however, of the personal and moral conditions of the individual. 3. By passing into a probationary or testing establishment (*intermediate prison*).

*Absolute isolation.* — All new-comers are subjected to the rule of detention in a cell. The stay here is, ordinarily, seven weeks.

But this period may be shortened when it is believed that its object has been accomplished ; or it may, on the other hand, be extended to eight weeks or more when found necessary. On the third day after committal to the cell prisoners are furnished with work and reading. Daily exercise is taken in suitable yards, with complete separation of the prisoners from one another. Every prisoner receives several visits daily from different employés.

*Associated imprisonment.* — Prisoners in the associated prison work and live together, but are divided into two great classes, and these into several sub-classes.

To the *first class* belong all on first coming from the cell. Those convicted for the first time remain here three months ; those previously convicted for six months ; those previously imprisoned at Lepoglava or in any other establishment of the monarchy for seven months.

These terms completed, the prisoners are promoted to the *second class*.

The prisoners belonging to the two before-mentioned classes are kept separate from each other, at least during the night and in time of recreation ; but they are together in church, at exercise, and generally (not always) while at work.

Each of these two principal classes is divided, as before stated, into several sub-classes, as follows :—

1. Prisoners under twenty-four years, of previous irreproachable conduct, who have sinned through levity and want of reflection, without deliberate purpose, and who are distinguished for their moral and literary education, on which account they cannot be considered as persons given up to crime. Designation of this sub-class, I. *a*.

2. Prisoners under twenty-four years, of previous irreproachable conduct, but who committed the criminal act with premeditated intent, to which however they were not impelled by any desire of gain or other personal advantage, and in which the nature and manner of executing the crime show that the person cannot be considered as morally corrupt. Designation of this sub-class, I. *b*.

3. Prisoners under twenty-four years who perhaps had a bad reputation but were never before convicted, in whose case however, either in motive or execution of the crime or in some other circumstance, there are indications of a moral conduct tainted and corrupt. Designation, I. *c*.

4. Prisoners over twenty-four years who are in the conditions of sub-class I. Designation, II. *a*.

5. Prisoners over twenty-four years who are in the conditions of sub-class II. Designation, II. *b*.

6. Prisoners over twenty-four years who are in the conditions of sub-class III. Designation, II. *c*.

7. Prisoners under twenty-four years previously convicted, but in whose case, neither in the first offence nor the second, nor in any other circumstance, can it be supposed that the moral character is deeply corrupted. Designation, III. *a b*.<sup>1</sup>

8. Prisoners under twenty-four, previously convicted, in whose case the condemnation itself, or other circumstance, produces the belief that the offender is morally corrupt. Designation, III. *a b*.<sup>2</sup>

9. Prisoners sentenced for *récidive*, over twenty-four, in whose case neither the first condemnation nor the others follow a criminal act caused by the desire of gain. Designation, III. *b*.

10. Recidivists over twenty-four years, convicted of crimes caused by a desire of gain. Designation, III. *c b*.<sup>1</sup>

11. Recidivists belonging to the above-named sub-class, with the sole difference that the preceding punishment was expiated in a penal establishment of the monarchy. Designation, III. *c b*.<sup>2</sup>

*Distinction according to sub-classes.*—In each of the two great classes the prisoners should have separate dormitories, so that the individuals of the different sub-classes may not be accommodated together. The dormitories of the recidivists should be in a different locality from the others.

*Revision of the classification.*—When, during the lapse of a fixed time, there has been a course of continued good conduct on the part of the prisoner, and convincing proof has been given by him of improvement, he is to be transferred to another sub-class of a higher grade; whereas, on the contrary, bad conduct will be followed by degradation to a sub-class of lower grade. Every three months the director of the establishment, in conjunction with his under-officers, makes the changes which he thinks necessary in this sort of moral classification of the prisoners.

*General provisions concerning the mode of treatment of the sub-classes.*—Prisoners belonging to the first class receive no part of their earnings. The recidivists are employed at more severe and disagreeable labor; and, that they may the more sensibly feel the punishment awarded them, they are subjected to a harder and more rigorous discipline.

*Aim of the probationary establishment.*—The object here is to place the prisoners who have given indications of amendment, and are recommended to a full pardon or conditional liberty, in a condition to convince the authorities of the reality of their reformation.

*Rules for entrance into the probationary stage.*—In accordance with these rules, prisoners of the second class who are not recidivists may be transferred to this stage, provided that, besides meeting the pre-established conditions, they have other personal conditions which offer a sufficient guarantee against every possible attempt to escape, and provided, moreover, that they have expiated at least three-fourths of their punishment in the pre-



ceding penal stages. Convicts who, by provisions of law, are excluded from the right of provisional liberation must, in case of an ultimate transfer into the probationary prison, have expiated four-fifths of their punishment in the penal prison. Prisoners sentenced for life can be transferred to the probationary stage, but they must have passed at least ten years in the penal prison (*carcere duro*).

*Conditions to be observed in seeking a full pardon.* — Convicts who are by law excluded from conditional liberation can, in special cases and under particular conditions, on giving indubitable evidence of reformation, be transferred in the probationary establishment, and, on having expiated three-fourths of their punishment, — or fifteen years in case it is a question of life-sentenced prisoners, — can be proposed to the judge of primary jurisdiction for the presentation of a petition for full pardon in accordance with prescribed rules.

*Clothing.* — Convicts are required to wear the prison dress. The use of their own clothing, whether of the person or the bed, is absolutely forbidden. The clothes of prisoners in the probationary establishment differ from those of the others both in cut and color.

*Labor in the probationary establishment.* — The prisoners are here specially occupied in farming and gardening, and also in the care of live stock. It is considered desirable that they obtain a mastery of these arts. Industrial labor is exercised only so far as may be necessary to give employment to mechanics who propose to pursue the same trades outside.

*Gratuities paid to convicts.* — Suitable and sufficient rewards are held out to prisoners to encourage them to be industrious and obedient, according to their classification; but the rules regulating such rewards are too numerous and would occupy too much space to be given in detail in this work.

*Payment of the convicts' credits.* — To prisoners discharged from the probationary establishment is paid their entire credit at the moment of their liberation. To those discharged from the penal prison is paid only what is necessary for the expenses of the journey to their place of residence, and the remainder is sent to the patronage societies to be handed over to them according to fixed rules.

*Instruction in the probationary establishment.* — Every prisoner is here under obligation to attend school; but those who are already sufficiently instructed may be excused if they desire it, by the director, on the recommendation of the schoolmaster and the chaplain.

At the commencement of the long evenings of winter, as also in the afternoons of Sundays and feast-days, all the prisoners of the probationary establishment receive at least an hour's instruc-

tion on the general knowledge useful in practical life and especially in agriculture. Such instruction is imparted by the chaplain and schoolmaster alternately on working days, but by the schoolmaster only on Sundays and other feast days.

It is in this manner and on these principles that the progressive system of imprisonment has been introduced into the establishment of Lepoglava ; and an organization, similar in all essential respects, exists in that of Leopoldstadt upon the Waag. From the foregoing account it may be seen that this system, so organized, can be applied in an imprisonment which does not exceed twelve months.

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CHAPTER XCV. — HUNGARY AND CROATIA (*concluded*).  
— RESULTS OF PROGRESSIVE SYSTEM.

THE third question is in these words : "What have been the results of this system of imprisonment ; and, particularly, how many prisoners have been employed outside, at what labors, and with what results ?"

In replying to this question M. Tauffer goes largely into statistical details, which are extremely interesting and valuable, but in which it is impossible to follow him in a work of this nature, where every thing has to be compressed into the least possible compass. All I can do, therefore, will be to bring out a few of the more salient points. During his seven years' directorship of the penitentiaries at Leopoldstadt and Lepoglava a considerable proportion of the prison population were engaged in outside labors, yet in all that time not an escape, or even an attempt to escape, was made. The same is true of four hundred and thirty-five convicts who during those years passed through the probationary establishment, and only one of those discharged from this department was reconvicted as a recidivist. All were employed outside on various kinds of labors, — farm work, the construction of buildings, etc., — with one overseer to each thirty or forty prisoners ; and when they were sent to execute errands or bring water, they went unattended by any one. On one occasion, in a hemp warehouse beyond the limits of the prison, there broke out, in December, at 4 A.M., a fire, which took on vast dimensions from the immense quantity of hemp stored in it, thereby endangering the dwellings of the employes in the immediate neighborhood. The services of the prisoners were called into requisition to aid in extinguishing the flames. Without any special supervision, and in the deep darkness of the night, that prison population worked with all the ardor of which man is capable in

moments of danger, without the slightest attempt to abuse the unlimited liberty which was accorded to them. The building was a complete prey to the flames ; but, with an absolute forgetfulness and disregard of death, there were saved through their efforts a great number of bales of cotton, as well as other products of labor stored there.

In November, 1877, there were transferred from the establishment of Lepoglava to the probationary prison the first twelve prisoners. These, at the time of M. Tauffer's writing, were engaged in constructing various buildings connected with the establishment; and in the meantime, as a provisional or temporary habitation, a warehouse was made to serve their purpose in the outer court-yard, far beyond the beats of the sentinels, where neither bolts nor grates reminded them of a prison. The door even was unbarred during the night ; there was only a rule forbidding prisoners to leave the place after the usual hour of retiring. The general satisfaction and appreciation, on the part of all the prisoners, of such a treatment form the best recompense even for the numerous cares and labors of the officials. Not a solitary escape was effected or attempted. True is that profound paradox of Wichern : "The strongest wall is no wall." True is that more didactic statement, to the same effect, of M. Vacherot, of the Institute : "Attraction in the realm of mind is the greatest directing force, — the surest means of government."

Of one hundred and sixty-five prisoners provisionally released from Lepoglava from March, 1876, to March, 1878, only two had their licenses withdrawn. It is with perfect truth that M. Tauffer thereupon adds : "Truly, better results could not be desired."

Since the introduction of the Irish progressive system into Hungary and Croatia the death-rate has fallen greatly, having previously been 6.7 per cent, and now being no more than 2.8 per cent. This may be owing partly to better sanitary measures, but is mainly, no doubt, due to the moral effect of the system, by replacing the sentiments of despondency, sadness, and dread with the contrary and counteracting sentiments of hope, cheerfulness, and courage.



## PART NINTH.

## RUSSIAN EMPIRE.

## CHAPTER XCVI. — RUSSIA PROPER. — RECENT PROGRESS.

THIS is what the writer said, concerning criminal-law reform and penitentiary reform in Russia, in his opening address at the Congress of Stockholm (1878), deriving his information from a communication made to him by M. de Grot,<sup>1</sup> secretary of state in the ministry of justice, St. Petersburg: —

The actual penal code of Russia dates from 1845. By that code the *knout*, so famous in history, was abolished; and in 1863 nearly all other corporal punishments shared the same fate. No important changes have taken place in the penal code of Russia since the Congress of London, but the ministry of justice has been engaged in an earnest study of the subject; and in 1877 a special commission was created to examine the draft of a new scale of punishments prepared by that ministry. The commission has completed its labors, and the new scale of penalties will serve as the basis of a new penal code. In this scale the death-penalty is retained only in the case of crimes against the safety of the State and the person of the emperor. Properly speaking, therefore, banishment to Siberia, coupled with hard labor (*travaux forcés*), occupies the first place among Russian penalties. By the existing code this penalty is for life, or a maximum term of twenty years; by the draft (*projet*) of the commission it is for life, or a maximum term of fifteen years. The commission has in view other ameliorations of the present code. It favors a great diminution of the number of crimes against which this sentence must now by law be pronounced, and would have the sentence affixed only to crimes of the gravest character. Moreover, the commission is in favor of the absolute abolishment of simple banishment to Siberia, — that is, without the addition of hard labor; it would have this species of banishment replaced by imprisonment in some form. Indeed, the tendencies of its labors and propositions is towards the absolute destruction of Siberia as a place of punishment.

<sup>1</sup> M. de Grot was also first vice-president of the congress, and acted as president in the absence of His Excellency M. Björnstjerna, who was president.

The same commission is charged with the duty of framing a new penitentiary system. It proposes three species of privation of liberty : 1. For a term of eighteen months to six years, with labor, exercise, school, and church in association, under certain restrictions, and all the rest of the time in cell ; nevertheless, the first four weeks of the imprisonment must in all cases be passed in cellular separation day and night. 2. For a term of two weeks to a year, to be passed wholly in cellular confinement. 3. In houses of arrest for a term not exceeding three months, — cellular separation.

While awaiting a complete reform of her penitentiary system, the Russian Government has, during these later years, limited its action to partial ameliorations, and principally in the construction of prisons. In 1875 the first essay was made at St. Petersburg, in the creation of a large cellular prison for 700 inmates, — 600 men and 100 women. There are however in this prison only 317 cells, and the rest of the edifice is designed for the system of association.

Russia has not as yet any institution for the professional training of prison officers. However, the Government, during the current year, sent three commissioners to the different countries of Europe to study the construction, administration, and management of penitentiary establishments, and hopes to profit by the knowledge which they may bring back in continuing and hastening the work of prison reform in its own dominions. Since the year 1874 one of the professors in the University of St. Petersburg is charged with the duty of giving annual courses of lectures on penitentiary science. All this points, not dubiously, to the ultimate establishment of special schools for the professional education of prison keepers.

Russia is evidently waking up to the importance of preventive and reformatory institutions for the young. The first agricultural penitentiary colony for juvenile delinquents, under fourteen years of age, was organized in 1870, near St. Petersburg, by a voluntary society ; but the Government furnished the site, and grants an annual subsidy. Since that date, there have been organized seven or eight similar colonies in different provinces of the empire, for the most part without aid from the Government. In general, these institutions find much sympathy and support from the public ; but, from the shortness of time during which they have been in operation, the authorities consider it too soon to pronounce definitely as to results.

There are at St. Petersburg, at Moscow, and in some of the provincial cities reformatory and industrial schools which begin to show a certain degree of success and give promise of larger fruits. There exist, likewise, chiefly in the large cities, numerous asylums for children, vagrants, orphans, and mendicants. After

the age of ten to twelve years, effort is made to apprentice these children to some trade, or to continue their education and instruction in other schools. All these institutions move on prosperously, especially as regards their pecuniary resources, since benevolence is largely characteristic of the Russian people, and contributors are readily found.

Two patronage societies for discharged prisoners have been recently organized in St. Petersburg, one for males, the other for females; but the results obtained thus far are moderate. Nevertheless, public attention begins to turn towards this side of the penitentiary system. The journals speak of it favorably; and a short time ago there appeared in a Russian review ("The Bulletin of Europe") an elaborate article on this subject, which gives an historical résumé of what has been done in this regard by other countries, and points out the manner in which the work of patronage may be organized in Russia. By the initiative of a generous-minded Russian lady, there is about to be formed in St. Petersburg a society for the patronage of liberated juveniles of both sexes, whose activity will probably commence in the autumn of the current year (1878).

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CHAPTER XCVII.—RUSSIA (*continued*).—THE EMPEROR'S  
INTEREST IN PRISON REFORM.

I HAVE sought further and more extended information concerning Russia since the Stockholm Congress, and particularly in regard to Siberia, but without success. I only know, in addition, that the emperor has examined and approved all the conclusions reached by the Congress of Stockholm; that the imperial commission, of which M. de Grot is president, has submitted a report, with the draft of a prison system for the empire; that the said report and bill are now before the Council of State (the legislative body of the empire); that prison reform is the order of the day for Russia; that Alexander II. is not only greatly interested in the amelioration of prisons, but has set his heart on this as the last great reform to be accomplished by him for his people. And, further, I have good reason to believe that Siberia is positively and absolutely doomed; and that at least the younger members of the great army of prison reformers now marching on to the conquest of the world will live to see and record it as "a thing of the past." This is, perhaps, "glory enough," and information enough, for the moment. There are solid and sufficient reasons why Russia should not desire to sub-



mit to the world at this time a report upon the actual *status* of the penitentiary question in her territories. Indeed, a detailed description of the system now in operation in Russia is impossible, and, if possible, could not give an exact idea of things; since the penitentiary question in that country is at this moment passing through a transitional phase, a radical reform being proposed and certain experiments having been already commenced. Russia is thus between two systems,—one acknowledged to be unsatisfactory, and the other but just dawning, with its methods and measures yet undeveloped. From a scientific point of view such a transitional phase might be interesting, but it could not give precise statements either as to what exists now or what is to exist hereafter. Therefore any report upon the actual condition of things could not be an exposition of a system, but must simply play with the traditions of the past and the hopes of the future; for the present is but a “dissolving view,” to give place, let us hope, to a picture as enduring as it will be beautiful.

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CHAPTER XCVIII. — RUSSIA (*concluded*). — ADDITIONAL ITEMS.

THE author has just received (August, 1879) an interesting letter from M. de Grot, the official delegate from the Russian Government to the Prison Congress of Stockholm, and a very high authority in his own country on the prison question. Together with certain items stated in the preceding chapters, M. de Grot communicates new matter of great interest and significance. It seems to me best to translate his letter in full, as follows:—

“First of all, I ought to make a very humble apology for not having sooner replied to your letter of the month of April; but the truth is, that your letter reached me at a moment when I was extremely occupied, and when the council of the empire was considering the new project for the administration of prisons in Russia. This project was framed by a commission under my presidency; it was accepted and confirmed as a whole by the emperor; and the central administration is at this moment acting under its provisions. The central administration depends on the minister of the interior; but its chief is clothed with high powers, and can act in the greater number of cases independently, and without the intervention of the minister. It is M. Galkine, whom you saw at Stockholm, who is appointed chief of this administration. In the provinces the administration of the prisons remains as it was; but M. Galkine has been charged with the duty of drawing up a project of reform for them.

“A second project has been formulated by the before-mentioned commission upon the general penitentiary system to be observed in Russia for

the future. In part this project has also been examined by the council of the empire (the legislative body) in my presence, before departure for the baths of Switzerland, but the final discussion will not take place till autumn. This project is intended to serve as the basis of a new criminal code. The principal point which failed to secure a unanimity of voices has reference to our system of deportation and of exportation to Siberia. The commission is of the opinion that this mode of punishment ought to be entirely abolished, since it does not in any respect secure its object, and since the experience of more than a century has shown that the Government is incompetent to organize this deportation upon solid and satisfactory bases. However, this manner of viewing the question meets with a good deal of opposition; and it seems that many desire still to make new essays, and to continue the exportation with some modifications. For myself, I have the firm conviction that all this opposition will lead to nothing, and that we shall nevertheless be compelled, sooner or later, to abolish exportation and deportation to Siberia. It does great injury to this whole country, flooding it with malefactors who, having nothing to do, fill the country with tramps and thieves, and return very often under the eyes of the police in the metropolis. Evidently, this is a state of things impossible to be endured.

"As regards the régime to be adopted in the penitentiaries the Government accepts a mixed system; the cellular system entire in short-term prisons, and in the convict or central prisons cellular separation at night and associated labor by day. When this project shall have been definitely adopted and the law promulgated, it will then belong to the new administration to carry it into execution, and to take the steps necessary to improve existing penitentiaries and to construct new ones, as funds shall be placed at its disposition. It thus appears that the whole penitentiary question in Russia is in a state of transition and reform. It would be very difficult to furnish extended details upon the actual condition of the prisons, especially as the old administration, in expectation of a reform whose commencement dates only from the year 1860, neither could nor would in these latter years put in operation any radical measures. All that I can say is that the state of our prisons is very bad. We have neither good prison structures nor employés specially prepared for the prison service. The labor is imperfectly organized, and the greater part of the prisoners have nothing to do. Even the youths are not everywhere separated from the adult prisoners. It must be said, however, that in these later times the penitentiary question has great interest for the Russian public, and books begin to issue from the press relating to it.

"At the present moment the Russian public is a good deal occupied in organizing agricultural colonies and reform schools for young criminals, and within the last eight or nine years not less than ten or a dozen have been founded in different provinces of the empire. All the agricultural colonies hitherto founded in Russia owe their existence to the initiative of private persons who form societies to that end; but the Government also aids in their support.

"Within a short time a commencement has been made in the work of patronage. In the last year two patronage societies have been organized, — one at St. Petersburg to aid discharged juveniles, the other in the south of Russia, at Kischeneff, for liberated prisoners of all ages who desire to avail themselves of its assistance."

## CHAPTER XCIX. — FINLAND. — GENERAL VIEW OF THE PRISON QUESTION.

IN 1877 the author received from Mr. A. Grotenfelt, of Finland, judge of the court of appeals for that grand-duchy, a communication in regard to penal and penitentiary matters therein, of which the following is a substantial translation : —

“Although the administration of the prisons of the Grand-Duchy of Finland is not officially confided to me, and I have only within the last few years prepared for the Government of my country some bills (*projects of law*) on the reorganization of the penitentiary establishments, I take the liberty of communicating to you a few facts relating to the penal code and penitentiary system of Finland, which may have perhaps some interest for you. That, however, will not prevent me from sending to the Congress, at least if no unforeseen accident hinder, replies to the questions which you proposed in your circular letter of September, 1876.

“In this country, which was for centuries under Swedish rule, but has been subject to Russia only since 1809, the general law of Sweden of 1734 is still in force. The titles of this law which concern crimes and punishments have been applied even in Sweden, at least partially, down to 1864, when the new penal code was published. As regards Finland some parts of the said law of 1734, concerning crimes and punishments have, however, undergone certain modifications by more recent regulations thereto relating, and the draft of a new criminal code for Finland, as also of a law on the application of punishments prepared by a commission organized to that end, was published in 1875.

“The old law which we received from Sweden has for its basis the system of corporal punishments, and a large number of crimes are by its provisions punished capitally. The death-penalty has not been formally abolished, although since 1824 it has never been applied. In virtue of an ordinance which appeared in 1826, criminals sentenced for offences of the graver type are sent to hard labor in Siberia, or for certain physical or sanitary reasons are employed at hard labor for life in Finland. In the case of crimes less grave in character capital punishment has been commuted by the clemency of the sovereign into hard labor for a term of years. The average number of criminals annually sent to Siberia is twelve. This number is about forty per cent of all those who have been sentenced capitally.

“The security of person and property has not been in the least diminished by the suspension of capital punishment. Murders and thefts must be classed among crimes extremely rare, and the same may be said of highway robbery. The public opinion of the country then is not in favor of the death-penalty, a punishment for the rest which could not be carried into effect in a country where there is no public executioner. In the new draft of a penal code of 1875 capital punishment is retained only in case of an attack upon the emperor, grand duke of Finland ; but as the sovereign does not reside in the country, there is no reason to suppose that



occasion will arise for the application of this punishment. If, however, by some sad fatality the necessity should present itself, the death-penalty could be executed only through the aid of the military and by means of the shot-gun. No punishment attended by infamy is provided for in the draft of the penal code of 1875.

"Corporal punishments are only applied exceptionally, when offenders, to hasten the moment of their deliverance and avoid long formalities, decline to ask in the superior court that their punishment be commuted to that of bread and water. In a few years when penitentiary reform shall have been accomplished, at least in part, corporal punishments will no longer be pronounced by the courts.

"The bill regulating the application of public punishment is based, in so far as imprisonment is concerned, on the progressive system. Provisional or conditional liberation is provided for in recompense of good conduct for all prisoners sentenced to an imprisonment of three years and more. This conditional liberty is not at present accorded by law; nevertheless the Government has sometimes, indeed not unfrequently, authorized certain prisoners on their own request to establish themselves as colonists in Siberia, after having undergone a certain part of their punishment in Finland.

"The ministers of the prisons are bound to surround all the prisoners with religious influences, and all who need literary instruction are obliged to attend school. But there is an exception to this rule in the pending bill, to the effect that this obligation does not extend to prisoners sentenced to less than fifty days, nor to those who are sentenced to longer terms and who have passed the limit of forty years.<sup>1</sup>

"Within the last ten years libraries have been established in all the prisons of Finland. The apprenticeship to trades and the labor in general are adapted so far as possible to the capacity of each individual and to the probable social state which he will occupy after his liberation.

"The salaries of all prison officers have been increased within these latter years, and especially since 1875. In all prisons of whatever class chaplains and schoolmasters are attached to the establishment, and in the penitentiaries there are also found superintendents of labor. Since the year 1872 female overseers have been employed not only in the female penitentiaries, but also in the female wards of the houses of arrest.

"In view of the advantage to be derived from having the directors of penitentiaries specially instructed in their work, the Government in 1872, 1875, and 1876 sent abroad three prison functionaries to study the organization of penitentiaries in general, and to learn the best methods in use in different countries for the treatment of prisoners. In 1876 there was submitted to the Government a project for organizing, in connection with the principal penitentiary of the country at Tavastehus, an establishment for the special education of prison-keepers.

"In 1875 was begun the erection of a new penitentiary near Helsingfors the capital of the country. It will contain accommodations for four hundred and fifty men-prisoners; there will be one hundred cells complete

<sup>1</sup> No such limitation as this exists in the United States. Here illiterate prisoners over forty and even over fifty years are glad to receive lessons, and if naturally intelligent they make fair progress.

for day and night, two hundred and fifty night-cells, and associated workshops for three hundred and fifty men.

"Within the last few years there has been constructed at the penitentiary at Tavastehus a cell-house containing sixty-six cells complete. At the penitentiary of Abo two wings have been erected, one of which has seventy-five cells complete, and the other an equal number of night-cells.

"At Wibourg a new house of arrest (detention prison) is going to be built on the cellular plan. This house will be the first in which will be applied those rational principles which tend to the introduction of reform into the Finnish houses of arrest now so defective.

"There is at this moment a project of law before the national diet to establish a reformatory school for juvenile delinquents and juvenile vagrants.

"In 1869 there was organized at Helsingfors a society having in view to offer to liberated prisoners the possibility of earning a living by their labor, and at the same time to inspire them with the courage necessary to re-conquer their lost reputation and social status. This society has branches in all the more important towns of Finland."

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#### CHAPTER C. — FINLAND (*concluded*). — ADDITIONAL ITEMS.

THUS far Mr. Grotenfelt. I have also received a communication from another distinguished member of the Finnish bench, Mr. G. Ehrström, who has repeated many of the statements made by his colleague, with interesting additions. Among other things he says:—

"As regards establishments for the education of deserted and vagrant children, as well as reform schools for young delinquents, all recognize the urgent need for them. Schools of the first class here named have been founded, to the number of ten or twelve, in different parts of the country, one of which at least receives vicious children in preference to others. As most of these schools are situated in the country, their inmates become familiar with country life and country occupations. The parliament of Finland, at the beginning of the present year, determined to found a special institution for the treatment of juvenile transgressors, and voted the requisite appropriation for its construction.

"An interesting peculiarity is to be noted in the treatment of prisoners in this country. A large number of criminals, who have suffered incarceration for a considerable time in the prisons of Finland and have been conspicuous for their good conduct as prisoners, have themselves asked (and the favor has been accorded by the Government) to be transported to Siberia as colonists. Such permissions have been found to exert a salutary influence on the discipline of the prisons, at the same time that the privilege so granted has removed them from the circle of their

former wicked companions, — a circle into which they would otherwise have been almost sure to re-enter after their liberation. This permission has besides afforded them the opportunity, by engaging in agriculture or some other industry, to earn their daily bread by honest work.”<sup>1</sup>

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#### CHAPTER CI. — POLAND. — EARLY EFFORTS TOWARDS CHILD-SAVING.

THE lot of those children who in consequence of parental neglect or the complete lack of guardianship menace social order, or have already infringed it by their wrong-doing, has long been the object of anxious thought among men of heart and understanding. It was in 1827 that Count Frederic Skarbet, of Poland, afterwards minister of justice, proposed the formation of a society for the care of neglected children.<sup>2</sup> In 1830 was founded the so-called institute for neglected children, — thus antedating the Rauhe Haus and Mettray. It received children from the courts, from the police, and from families which were unable to manage them.

The political events which succeeded arrested the development and had an unfavorable influence on the character of this institution, which, though removed from place to place and even temporarily closed,<sup>3</sup> has preserved its existence to our day; has entered upon the path of reforms; has traced in its new regulations, in a manner more exact, the sphere of its operations and the classes of children that may be admitted as pupils; and has added to industrial labor those of agriculture in a colony which is the gift of the counts of Puslowski. The institution is found to-day at Mokolow, near Varsovie. It receives children sent to it by the police and by their families, and is counted among benevolent rather than penal establishments.

The national code divides minority (which continues in Poland to the age of twenty-one years) into three periods: 1. The period of absolute irresponsibility, — to seven years, or even to ten, if it

<sup>1</sup> This recital suggests the inquiry whether transportation may not be usefully employed, as a reward instead of a punishment, in a penitentiary system. If punishment ought to be suffered on the spot, — that is, in the country where the crime has been committed, — that justice may not be subjected to a hazardous uncertainty, is it not true on the contrary that a transportation, tied to the soil by the property and the family of the liberated prisoner, would offer little if any danger to society? In this case justice would be exposed to no risks; chance, as an element in the problem, would be excluded; and the social work would complete the penal without being confounded with it.

<sup>2</sup> It was in the same year that the first reform school was established in Boston.

<sup>3</sup> During the Revolution of 1831.



is proved that the minor acted without knowledge. 2. The period of relative responsibility, from seven or ten to fourteen years. 3. The period of absolute responsibility, from fourteen to twenty-one years, but always with certain reserves.

The law required a separation, in the general prisons, to be made between minor and adult prisoners; but this provision remained a dead letter, owing to the lack of space to carry it into effect. It was only — thanks to the private initiative of Mr. Maternicki, a director of one of the prisons, who at his own expense opened the first — that there were organized small schools in the prisons, the founding of which was in 1853 ordained by law, and their arrangements determined in detail by a subsequent regulation.

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## CHAPTER CII. — POLAND (*continued*). — AGRICULTURAL PENITENTIARIES AND INDUSTRIAL ASYLUMS.

NEVERTHELESS, statistics showed an almost annual increase of offences committed by minors. This fact attracted the attention of right-thinking men, a few of whom set themselves to devise the plan of a patronage society for minors who were found to be in circumstances of so much peril. The result was the organization of a new society called "Society of Agricultural Colonies and Industrial Asylums." This association was recognized and sanctioned by the law of the 20th February, 1871, which gave to it as far as minors were concerned — both those judicially condemned as delinquents, and mendicant, vagrant, and unprotected children — the double character of (1) *Pedagogic*, — that is, having relation to the duties of the Society within the limits of the colonies and asylums founded by it; (2) *Tutelary*, or *protective*, whereby the Society is charged with the duty of watching over the conduct of the children after they have left the establishments.

As regards the first: Its pedagogic character imposes on the Society a fourfold function, — (1) To regenerate, so to speak, the children confided to its care, to lift them up from their abasement; (2) To give them a primary instruction; (3) To fortify their health, their physique, generally enfeebled in the case of children morally neglected; (4) To accustom them to useful and productive labor.

As regards the second: The tutelary character of the Society is exerted in two ways, — (1) By placing the children on their leaving the establishments in respectable and worthy families; (2) By watching over their moral conduct, and by furnishing

them the means of perfecting themselves in the career which they follow.

The rules of the Society, while defining its object and duties, declare at the same time its constituent elements and its governing authorities.

It is composed of *membres-fondateurs* (founding-members) of both sexes, whose number cannot exceed twenty, and who pay an annual assessment of one hundred and fifty roubles ; and of honorary members, whose number is unlimited, and who pay an annual fee of six roubles. The Society is administered by the committee composed of the six founding-members and ten specialists with their president, and by the administration with its chairman, vice-chairmen, and members. The committee is a legislative power ; the administration, an executive power. The code of regulations further defines the attributes or powers of each of these authorities, and lays down the general rules relating to the administration of the colonies themselves. As to the special rules, they are framed for each colony separately and published after its opening.

I will not go into a history of the gradual development of the Society and of all its labors, but will only say that the two authorities, the committee and the administration, first prepared themselves for the work, — that is to say, they secured members and assessments ; they elaborated the system to be introduced into the future colonies ; they addressed a memorial to the Government, praying that it would grant to the Society a tract of land whereon to found the first colony for juvenile delinquents (boys). The results of these efforts were that already in 1874 the Society counted two thousand members, and its possessions consisted of forty thousand roubles in money and one hundred and seventeen acres (*arpents*) of forest given by the Government for the founding of the colony.

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### CHAPTER CIII. — POLAND (*continued*). — FAMILY SYSTEM ADOPTED FOR PENITENTIARY COLONIES.

IT was determined to take as a model for the new establishment the French colony of Mettray, with this difference only, that the families should be less numerous (fifteen in each). After clearing a portion of the forest, this same year (1874), on the fifth of March, were laid the foundations of the first colony for juvenile delinquents in Poland. As the place on which it was constructed was called Studzieniec, the same was given to the

colony itself. Two years later, on the 14th of May, 1876, the formal opening of the colony took place. To-day (October, 1878) it has six little houses for *colons*, forming the two sides of a rectangle, with the director's house at one end and the chapel at the other; and beyond are found the various other buildings of the establishment. The family houses (of which the cost of construction is four thousand seven hundred and fifty roubles each) are composed of the parterre, or ground-floor, where are situated the workshops and the story intended for the dormitories, in which the iron bedsteads are so arranged that they can be folded up and fastened by hooks, together with the bedding, to the walls, thus changing the dormitory into a refectory. Close to this is the apartment of the father of the family, from which he overlooks the children. Among the family houses there are some which, without having workshops on the ground-floor, are inhabited by two families, — one below, the other above, — each having a separate entrance, one on the one side of the house, the other on the other. The number of inmates at the present time is eighty. They have fixed upon two hundred as the maximum number to be received, which it is not proposed ever to exceed in any one colony. In time the houses will be surrounded by gardens, though even now they present a picturesque appearance on the dark background of the forest.

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CHAPTER CIV. — POLAND (*continued*). — INMATES. — LABOR.  
— EDUCATION. — ESTABLISHMENT FOR GIRLS.

IN virtue of the new code introduced into Poland in 1876, and of the special ordinances relating to our establishments, the colony of Studzieniec receives juvenile delinquents judicially condemned, at ten years old at least, and sixteen at most, sent with a copy of the sentence and the certificate of their age, — this last being necessary, in order that it may be known whether they will be able to pass two entire years in the colony. Two years have been fixed upon as the shortest term possible in which to effect a radical change in the character of the child, to destroy his evil inclinations, and to teach him some trade, which afterwards may serve him as a means of living. Agriculture is made the principal occupation of the colony. Trades will be introduced in proportion to the increase of the colony and its needs, and also of the facility of finding markets. At present there are taught the trades of wagon-making, carpentry, cabinet-work, and tailoring. Above all, it is sought to teach the children to provide for their own wants.



It is thus that already the houses are provided with furniture of their own manufacture, such as wardrobes, chairs, tables, etc., which articles they also make for sale. Some of these articles have already acquired such a reputation, — and this is especially the case as regards carts and wagons, — that they are eagerly sought for at the fairs held in the neighborhood of the colony. The means of education are such as exist in the colony of Mettray, and it may be said that both in its moral and physical relations the colony of Studzieniec is developing in a satisfactory manner. Time would fail me to give in detail all the proofs of the reformatory action of the colony. Suffice it to say that these happy results are due to the well-organized supervision and administration of the colony, confided to a young man, Mr. Trajeuski, formerly a teacher in the Polish institution for neglected children, who went to Mettray and spent some months there with a view to prepare himself for his new duties. The sympathy felt by the public in this work is shown in the fact that in 1876 its assets amounted to 100,000 roubles, and the confidence felt in the Society is still more strikingly proved by the fact that lately one of the members of the committee, the Count Kicki, bequeathed to it his colossal fortune of 1,500,000 roubles.

The Society having accomplished a part of its task in the establishment of a colony for delinquent boys, proposes to found another for girls of whom the number is much less.

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CHAPTER CV. — POLAND (*concluded*). — COMPREHENSIVE  
PLAN OF INDUSTRIAL ASYLUMS.

THE Society now proposes to enter upon the second part of its work, namely, the care and salvation of the other and far more numerous class of minors, — such as mendicants, vagrants, unprotected, and morally degraded children. It has already communicated its plans to the Government, and as soon as these shall be approved it will put its shoulder to the work. According to these plans, the colonies and asylums for the second class of minors (which it is proposed to spread over the whole country, beginning with two as with the penal colonies) will be organized, like the Swiss colonies, with twenty or thirty inmates in each. That will enable the Society to test severally the two systems, French and Swiss. As the character of the colony of Studzieniec is preponderantly penal, that of the projected colonies will be preponderantly pedagogic. There will be admitted children between the ages of eight and fourteen years, to be retained at least two

years and not beyond sixteen years completed. These children are to be sent to the establishments by the police, or by the administration of the place where they are found at the time, or by their parents or guardians.

In this manner, then, the entire period of minority has its guardianship assured in Poland. The little infant from the cradle (despite the suppression of the foundling hospital) finds it in the infant nursery (*crèche*) and in the asylums of the Philanthropic Society, scattered throughout the whole country. The child from eight to fourteen years of age, who is on the descent to crime, finds it in the pedagogic, educational, or disciplinary industrial asylums for vagrant, mendicant, homeless, and unprotected children. The child from ten to eighteen years, if already criminal and touched by the sword of justice, finds it in the agricultural penal colony of Studzieniec, founded on a model made up of the French Mettray and the German Rauhe Haus. Time and experience may introduce some modifications in the details of administration, but the principles will remain fixed and immovable. The stream of social life must henceforth flow more clearly, for, as a distinguished Englishman has said, "A filtering apparatus has been placed at its sources." The people of Poland have understood and have carried into effect the words of Henry Martin: "As society has a duty towards adults, to inflict justice upon them, so it has a duty towards children, to provide for them protection, guardianship, and education."

## PART TENTH.

## PORTUGAL.

## CHAPTER CVI. — DIFFICULTY IN OBTAINING INFORMATION.

SINCE his first visit to Europe, in 1871, for the promotion of international prison reform, the author has made almost unintermitted efforts to obtain some information from Portuguese sources concerning the condition and administration of Portuguese prisons. He has repeatedly addressed the Government itself;<sup>1</sup> he has as often written to private citizens, who have been reported to him as occupied with these questions; he has applied to successive United States ministers accredited to the court at Lisbon, who have kindly used their influence in his behalf with the Portuguese Government to move it to a response, — but not a solitary word has ever come to him from Government or citizen as the result of all this one-sided correspondence. Of course he had no right to the information sought; and he has no right to complain, and does not complain, that his applications have been unheeded by those to whom they were addressed. The reader can interpret this persistent (for it was persistent) silence as well as the author. But he has a right to mention the fact, and does mention it, as an explanation of the very little he has to say — and the not very satisfactory character of that little — concerning the prison system and prison work of Portugal. All he has, and of course all he can give, on this subject is contained in an extract from a dispatch of the Honorable Benjamin Moran, United States minister at Lisbon, addressed some three years ago to the Washington Government, the substance of which may be found in the five next following chapters.

<sup>1</sup> As he has all the other Governments of the civilized world, — supreme, provincial, and colonial, — scarcely one of which, and certainly none of great importance in this regard, has failed to respond to the application by furnishing the information asked.



## CHAPTER CVII. — CONDITION OF PRISONS.

THE gravest of all defects in the laws and government of this kingdom has reference to the jails. But although the most flagrant, it is the one whose remedy is easiest ; it would involve no considerable outlay ; and the outcry against the evil is so loud that any expenditure of money, any trouble incurred by the responsible minister would be well spent. The evil is twofold, — the infrequency of jail-deliveries and the state of the jails themselves. Obviously, the first principle in the restraint of crime is that jail-life should seem abhorrent to those treading on the brink of a criminal career ; that felony should be made to appear shameful in the eyes of the young. The second is that punishment should come surely and swiftly ; so that a beginner may regard a criminal life as a ruinous speculation, independently of all moral objections to it. Both these principles are entirely ignored in Portugal, at least in practice ; and in the neglect of them, the other purpose of jails — the reformation of criminals — also fails of being carried out. In Portugal a jail is not a mysterious and awe-inspiring edifice, wherein sin and sinners are hidden behind high walls, within which the penalty of outraged law is sternly exacted, and where at the same time mercy is the handmaid of justice, and tenderly urges repentance. There is no impression made on the passer-by that a convict, when committed there, is cut off from all association with the outer world, from all intercourse with innocence, and all share in the sunshine of life.

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## CHAPTER CVIII. — ACCESSIBILITY OF THE PRISONS TO THE OUTSIDE WORLD.

THE jail stands in the centre of the market-place, and the prisoners' rooms are on a level with the pavement, with such free access to the windows (merely guarded by one soldier), that prisoners and accessories in crime may converse freely. The voice of merriment is heard throughout the day ; and the time is beguiled by appeals to passers-by for money, and by jests at the expense of those who do not give.

Then, this almsgiving, — what can be worse ? Honest poverty in rags must receive some awkward lessons from seeing thoughtless persons encouraging the prisoners while they neglect the deserving ; from seeing such persons lavish comforts on the dis-

honest which they, with all their pinching, can seldom or never obtain. It cannot but be that crime must lose its shamefulness when notorious criminals are seen all day within earshot of other men, and constantly conversing with the young sentry at the window.

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CHAPTER CIX. — HARDENING EFFECT OF CONTACT WITH THE OUTSIDE WORLD.

I AM reminded here of a prominent illustration of the hardening effect of this contact with the outside world, as reported by Mr. Moran, on one of the prisoners themselves. He was a youth of seventeen years, asking for money like the others at the window, but whose innate good-breeding and honest expression had not yet been effaced by three months' companionship with the profligate. But he had made a beginning in the loss of the sense of shame,—he had learned already to expose unblushingly the fact that he was a prisoner, which had for a time overwhelmed him. He was in confinement close by his mother's house (she being a woman of eminent respectability in the town), where he himself had been brought up, and had ever borne a good character. Within her very sight he was, by the treatment of the law, being converted into a hardened criminal. The sequel of his story illustrates also the second position,—that the great principle of speedy punishment is ignored here. The youth was kept twelve months awaiting his trial, to the obvious injury of his morals far beyond what would have been the case in the contact with criminals at a penal establishment under proper discipline, not to speak of the cruel outrage done to his mother.

His was a case specially calling for a speedy punishment, and at the same time not a severe one,—a punishment due simply to unrestrained passion, but mitigated by circumstances of grave provocation, not a sentence degrading him to the rank of thieves. Indeed, it is not clear that he deserved any punishment. He killed another boy, but had no intention to kill him; and he struck him under the following provocation: He had been for a long time aggravated by the wilful destruction by this boy of the produce of his mother's garden, the fruit of all his leisure, devoted filially to his mother's comfort. He came upon his enemy engaged in the very act of committing this outrage, and the blow which he struck was unluckily fatal. It was a monstrous injustice that his ultimate conviction should be anticipated and bail not accepted; but the delay of twelve months was a scandal and an outrage.

This case has been stated at length, because the glaring circumstances of injustice and un wisdom surrounding it illustrate the viciousness of a system where such a case could be possible within twenty miles of the capital city. Where is public opinion? Where is public justice?

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#### CHAPTER CX. — BAD EFFECT OF LONG DELAY OF TRIAL.

ONE result of the delay in jail-delivery is indirectly to be found in the records of carriage accidents, — the constant escape of the author of the disaster, whether innocent or not. The public habitually connive at his running away; they seem convinced that, though he may deserve some penalty (a fine, perhaps, if the circumstances are not aggravated), he cannot deserve twelve months' preliminary confinement before trial; and a poor *gallego* cannot, of course, find bail among strangers.

Two cases of this connivance came under Mr. Moran's immediate notice last year. A child ran under a tramway-car near Porto, in spite of great presence of mind on the part of the driver. As the child was killed, the innocent author of the disaster ran away, and the company was unable to give either his name or address. Another instance: Through the fault of the managers, a diligence was sent out on the dangerous road to Regon with a rotten harness. The reins broke short off on the descent of the Marno mountains, the coach was upset, and every passenger was injured, five being killed. The coachman, alone uninjured, alone able to afford assistance, was forced to seek safety in flight from long preliminary imprisonment before trial, to the neglect of his suffering passengers.

Another result of the injustice of delays in trials sounds somewhat paradoxical, — laws so harsh to the accused before trial are as lax to them when on trial. Juries will not convict: they probably consider that the prisoner has been already sufficiently punished, and the tax-payer sufficiently taxed with many months' support of him before his trial. Thus, at present, what punishment there is is chiefly punishment before trial. At first all are treated with equal injustice, afterwards with equal leniency; and the press is wholly useless either to set the innocent right or to warn the public of the names of dangerous characters.



## CHAPTER CXI. — THE REMEDY FOR SUCH DELAY.

NOTHING short of the closing of all small jails, frequent jail-deliveries, the allowance of easy bail before trial, and a thorough reform of legal procedure so as to insure conviction of manifest guilt, can ever enable the law courts of this land worthily to fulfil their twofold function of clearing the innocent and relieving society of the guilty.

Still, despite all this, crime does not abound in Portugal, — certainly not crimes of violence or of dishonesty, although there is no exposure to be feared, and though justice is slow to overtake the guilty, and far from sure to overtake them at all.

## PART ELEVENTH.

## ITALY.

## CHAPTER CXII. — CLASSES OF PRISONS. — ADMINISTRATION.

THE prison system of Italy embraces the following classes of prisons: 1. Prisons for preliminary detention and the punishment of minor offences, — number not stated, average number of inmates 45,082. 2. Penitentiaries, with several subdivisions, of which the total number is twenty, with an average population of 10,738. 3. The bagnios, or galleys, number twenty-one, with a population of 15,148. 4. Correctional prisons for juvenile convicts, four, with 573 inmates. 5. Agricultural colonies, five. 6. One prison for invalids.

The supreme authority in the penal administration of Italy is the minister of the interior. Under him in immediate charge is the director-general of prisons, with several inspectors-general.

The minister of the interior appoints the directors and superior officers of the prisons; the subaltern officers are appointed by the provincial authorities. The superior officers, after a certain period of trial, are appointed for life; the subalterns are liable to dismissal, yet, after some years of blameless conduct, they also are appointed for life.

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CHAPTER CXIII. — AIM OF THE DISCIPLINE.

THE end aimed at in the administration of penitentiary discipline in Italy is so to direct punishment that, without allowing it to lose its necessary characteristic of deterrence, it shall also possess the other equally essential requisite of reforming the delinquent. Nothing therefore is omitted to obtain this desirable end, while on the one hand it is instilled into the mind of the prisoner that he will be enabled, by good conduct, to ameliorate his condition; on the other it is sought to raise his sense of manly dignity that he may not become a hypocrite. In the penitentiaries those who distinguish themselves by their good conduct enjoy

special advantages, — such as being intrusted with domestic work, being recommended to mercy, etc.

In the bagnios there has been established a system of progressive classification under which prisoners, like the mercury in a thermometer, ascend and descend according to their deserts. Each class has its distinctive badge and special privileges. Those prisoners who have distinguished themselves by good conduct in the penitentiaries, and have worked out at least one-half their term, are removed to the agricultural colonies of Pianosa and Gorgona.

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#### CHAPTER CXIV. — RELIGION. — SCHOOLS. — LIBRARIES.

EVERY prison, even for persons awaiting trial, has a priest who is its titular chaplain. As in Italy the great mass of the citizens are Catholic, there are no ministers of other creeds attached to the prisons. Whoever belongs to a different religious communion is permitted to confer with a minister of his own creed on application to the director, who cannot refuse to admit the individual named by the prisoner.

Besides the spiritual service the chaplain gives lectures to, or holds moral conferences with, the prisoners; visits them when sick; administers the consolations of religion to the dying; delivers a sermon to them once a week in the chapel; visits in their cells newly-arrived prisoners and those about to be discharged; admonishes and comforts such as are confined in punishment-cells; and often conducts the prison school, or aids the master in doing it.

The Italian Government attaches great importance to a service such as that rendered by the chaplains; to such an extent is this true, that in order to secure it the Government has not hesitated sensibly to increase the budget of the prisons.

In each penitentiary there exists a school to which is admitted the largest possible number of prisoners, the youngest and best conducted having the preference. In the houses of detention and the reformatories the school takes a wide range, as it admits all the inmates indiscriminately; and in these are specially taught drawing, vocal and instrumental music, agriculture, some foreign language, etc., and this with admirable results. Every prison has a small library belonging to it, the formation of which specially occupies the attention of the central direction. As soon as the prisoners acquire the ability to read they show a great inclination to it; but almost invariably they seek in books some diversion from their monotonous life, or food for the imagination, rather



than a fund of solid knowledge ; consequently few of the books read by them are of a didactic character, but the greater part are tales or romances, — of course always of an unimpeachable moral tendency.

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#### CHAPTER CXV. — PRISON LABOR.

IN the penitentiary system of Italy there is no labor bearing an exclusively penal character. It is sought to give to the industrial education of the prisoners the turn which seems best suited to them, and to impart the trade most easily mastered. Labor has no other aim in the Italian prisons than to overcome the natural propensity to idleness in the criminal, to accustom him to a life of activity and hardship, and to give him the means of obtaining an honorable livelihood.

The industrial arts mostly practised in the penitentiaries are those of the shoemaker, carpenter, blacksmith, and weaver ; and in the bagnios the prisoners are made agriculturists, laborers in the salt-deposits, and workers in cotton, hemp, etc. Until 1868 the industries of the prisons were managed by the administration. Since that time, as an experiment, the contract-system has been introduced into eleven prisons. The question, Which is the best of these two systems? is so complicated and difficult that the administration is unwilling to pronounce an opinion till it has made further trial of each.

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#### CHAPTER CXVI. — REFORMATORY RESULTS — CLASSES AND CAUSES OF CRIME.

THE administration of the Italian prisons finds it a difficult task to decide the question whether its penitentiary system answers the end of reforming the criminal, and whether on discharge the prisoner is morally better or worse. The relapses into crime scarcely exceed 18 per cent on the whole body of criminals ; but in 1871, of the criminals sentenced to an imprisonment of more than a year, 28 per cent were recidivists. Concerning the number of reconviictions, a most important fact may be gathered from the registered statistics of the administration relative to the time elapsing between the discharge and the committal of fresh crime. From these it is found that of recidivists sentenced to

the bagnios, 27 per cent relapse within the first year, 16 per cent within the first two years, and 57 per cent beyond that space of time. The reconvictions of those sentenced to the penitentiaries are 37 per cent within the first year, 19 per cent within two years, and 44 per cent beyond that lapse of time; and among the females 46 per cent within the first year, 16 per cent within two years, and 38 per cent beyond that time.

As regards the classes of crimes, the inmates of Italian prisons in 1871 were in the following proportions: For crimes against the person, in the bagnios, all males, 46 per cent; in the penitentiaries, males, 35 per cent; females, 28 per cent. Crimes against property, in the bagnios, 30 per cent; in the penitentiaries, males, 47 per cent; females, 53 per cent. The chief causes of crime, accordingly, are stated to be cupidity, revenge, anger, and illicit passion.

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#### CHAPTER CXVII.—CHILD-SAVING WORK.

THE number of reformatories in Italy is thirty-three, of which twenty-two are for boys and nine for girls. They are rather of an educative than punitive nature. They are entirely private in their character, having been instituted either by individual benevolence or by charitable associations. Government makes use of them for those juveniles who fall under the censure of police-law for idleness or vagrancy; also, for the detention of those who are placed in them for correction by paternal authority. Of these establishments twenty-five are industrial and six agricultural. Their discipline not being as severe as that in the houses of custody, Government makes use of them also as a reward, gathering into them those minors who, having been overtaken by penal law, have shown an exemplary behavior.

The average number of juveniles sheltered in the reformatories in 1870 was 2,268, of whom 1,895 were boys and 373 girls. The total number on the 31st December of the same year was 2,465, of whom 2,066 were boys and 399 girls, thus classified: For idleness and vagrancy, boys, 1,931,—girls, 399; paternal discipline, boys, 135,—girls, 0. Parents are under no obligation to provide for the maintenance of a child who is confined in a reformatory for idleness or vagrancy; but when a father places him in one of these establishments for correction, the State charges him with twenty cents per day. He is, however, exonerated in part or entirely from his charge, if he can prove himself indigent.

## CHAPTER CXVIII.—AGRICULTURAL PENITENTIARY COLONIES.

THE information thus far given has been drawn from the report to the London Congress. The main object of Signor Beltrani's communication in 1874 was to note the progress realized subsequently to that gathering; and that more particularly as regards the agricultural penitentiary colonies. Two had already been established, on as many islands in the Tuscan Archipelago, — Pianosa and Gorgona. To them prisoners, who have served out one half of their terms of sentence, are eligible to be removed from any and all of the other prisons of the kingdom as a reward for industry and good conduct. These colonies constitute, to all intents and purposes, the intermediate prison of the Crofton system in its best form. The labor, beyond that pertaining to the establishments, is wholly agricultural, being devoted to the culture of the vine, the olive, and the cereal grains. Agriculture is taught to the prisoners scientifically as well as practically. The transfer from the other penitentiary establishments is on the ground of merit and by way of reward. It is intended as a stimulus to order, industry, and obedience, an end which it is found to promote very effectively. The influence upon the discipline of the prisons from which the prisoners are drafted to the agricultural colonies is excellent; nor is that of the useful and healthful labors on which they are employed in the colonies less so upon the prisoners themselves. Thus occupied, their minds are turned largely from evil thoughts, and from those wicked machinations which idleness so often prompts. They are brought, day by day, to look forward to a better future, and, through habit and the stimulus of gain (for they are allowed a liberal share in the product of their toil), they naturally acquire a love of labor. Physically they cannot but improve, for they have constant exercise in the open air. Selected from the mass of convicts for their good conduct and diligence in work, and having undergone at least one half of their appointed punishment, they are so uniformly well-behaved that it is seldom any case of disorder occurs, and the discipline is reported as truly admirable.



CHAPTER CXIX. — THREE PENAL CODES PROPOSED. —  
ADDITIONAL AGRICULTURAL COLONIES.

THREE several penal codes have, since the Congress of London, been studied, discussed, and modified; but as yet it has not been possible to establish in Italy one uniform code in place of the two actually existing, — the Tuscan and the Albertine. The latest of these was that proposed by Mancini, minister of the interior, in 1876. His draft proposed the abolition of the death-penalty and the introduction of a graded penal system, with three stages; namely, imprisonment on the Auburn plan, the agricultural colony, and conditional liberation. To begin the reform, Minister Mancini separated conditional liberation from the code, and procured its enactment as one of the laws of the realm.

The system of agricultural penitentiary colonies has been enlarged by adding to Pianosa and Gorgona, already existing and intended for prisoners sentenced to the punishment of reclusion, relegation, and simple imprisonment, two others to the same end, — Montecristo and Capraia. There has also been created a fifth colony for prisoners sentenced to the galleys (*travaux forcés*), the severest punishment below that of death, in Castiadas (a province of Cagliari). The labors of the convicts at Castiadas — the cultivation of the fields, drainage, the building of houses, the opening of new roads etc. — will, it is hoped, succeed in restoring Sardinia to that high state of prosperity which distinguished it in ancient times, and which it owed chiefly to the excellence of its agriculture.

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CHAPTER CXX. — IMPROVEMENTS RECENTLY  
INTRODUCED.

THE ameliorations introduced into the actual penitentiary system embrace the buildings, the dietary and earnings of the prisoners, the discipline, the *personnel*, the administration, etc.

The municipalities have been stirred up to construct the new or alter the old detention prisons in such manner as to adapt them to the cellular system established by law for all prisons of that class.

The dietary in the penitentiaries has been modified by abolishing the different sorts of rations (legal, industrial, compensatory), and by establishing a uniform ration for all, with permission to

the prisoners to expend a portion of their earnings in the purchase of additional comforts. This reform has in view the incitement of the convicts to increased diligence by showing them that the harder they work the greater will be their ability to procure an improved diet.

The banishments (*bandi*<sup>1</sup>) and many other regulations which governed the discipline and administration of the bagnios or galleys have been abolished. A common system of book-keeping has been introduced into all the prisons. The right to inflict blows and other cruel punishments on the prisoners in the galleys has been abolished. By a decree of the 4th February, 1877, a great decentralization of the prison administration has been effected, whereby many functions have been taken away from the central administration and passed over to the municipalities. Let it be noted, in passing, as a little curious that decentralization is counted an amelioration in Italy, whereas in England increased centralization is regarded in the same light.

More of a military character has been given to the administration and service of the prisons, which I fear will turn out to be a reform in the wrong direction.

A school for the professional education of prison keepers has been established at Rome. This is a reform having grand possibilities and a vast reach, of which more hereafter.

The most effective agency for securing good conduct in the prison is conditional liberation, secured by the Act of the 12th April, 1877. The diffusion and enlargement of the means of instruction in the prisons certainly ought to be counted among the agencies calculated to strengthen the principle of obedience in the prisoners. Among these are especially noteworthy the establishment of prison schools and libraries by private, municipal, and Government generosity. The school and library of Martelli in the prison of Novara and the library in the detention prison at Palermo are among the most splendid of those examples of private beneficence.

The Government has earnestly sought to render the scholastic instruction in the prisons more efficacious. The inspectors of public instruction have been charged with the inspection and supervision of the prison schools. The subjects of instruction are not restricted to reading, writing, and cyphering, but embrace also the principles of book-keeping, composition, analysis of sentences, the rights and duties of citizens, and the general organization of the State.

<sup>1</sup> I am unable to explain this term, not understanding it myself.

## CHAPTER CXXI.—PUBLIC INTEREST IN PRISON REFORM.

IN Italy not a few of the members of parliament take a profound interest in the penitentiary question, and give to it a broad, enlightened, and earnest study. Able reports are often submitted, and able discussions had in both Chambers on all the different phases of the subject,—such as transportation, conditional liberation, criminal lunacy, etc. The question of the prevention and repression of crime is there regarded much more as a question of statesmanship than of philanthropy. The two national societies which make a study of insanity and hygiene give large space to the penitentiary problem. The same is true of Italian newspapers, which often, especially when an interpellation is made in parliament, insert notes, projects, and studies on the subject of the interpellation. Scientific journalism also devotes much space and talent to the study and exposition of this question.

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## CHAPTER CXXII.—ADVANCE IN CHILD-SAVING WORK.

THAT Italy is advancing in reformatory work is proved by the introduction of the family system into the agricultural colony of Scansano, and the excellent results it appears to be yielding. In the reformatory of Genoa there has been formed a section of cabin boys (*mozzi*), and the minister of marine has authorized the enrolment of the reformed juveniles among the cabin boys of the royal navy after a year's apprenticeship in the school of naval implements and manœuvres established in the institution. Finally, the four juvenile prisons have been reorganized upon bases greatly more educational by a regulation of Nov. 27, 1877. The number of schoolmasters has been increased, lay instruction introduced, a head-master appointed, who is a sort of family father charged with the supervision of the instruction—scholastic, industrial, and moral—of the youths upon a graded system, and with a registration, in the presence of the inmates, of merits and demerits. The regulation also prescribes the distribution, in different houses, of those committed by the courts and those received by way of paternal correction, the older and the younger, etc.



CHAPTER CXXIII.—WORK OF PATRONAGE EXTENDED. —  
ACTIVITY OF THE PRESS.

PRIOR to the Congress of London, there was a patronage society for liberated prisoners in the Tuscan provinces, with its principal seat at Florence, and branches in many of the cities and villages of Tuscany. Also one in each of the cities of Brescia, Milan, and Turin; but these were for juveniles only. What follows has been done since the London Congress. Minister Nicotero, by circulars of the 15th May, 1876, and 13th January, 1877, urged the governors of provinces to use their influence for the creation of patronage societies in their several jurisdictions. The pre-existent society of Turin has declared that it would extend its efforts to adult prisoners as well as to minors. New societies have been organized in the provinces of Bellano, Bergamo, Como, Macerata, Mantova, Parma, Salerno, Trapani, Vicenza, Cuneo, Genoa, Naples, and Rome (the last two for minors only). In sixteen other provinces committees of patronage have been constituted, many of which have collected lists of adherents, framed codes of regulations, etc. The movement still continues, and there is reason to hope that it will not soon be arrested. It is understood that all the old societies still exist, and give token of growing activity and usefulness. All this magnificent work, be it noted, has been accomplished within the space of two years.

Numerous works, from the thick octavo to the pamphlet, have been published in Italy on all the phases of the penitentiary question within the last half-dozen years, and have been well received and widely read by the Italian public. The largest as well as the best of these — *L'Uomo Delinquente* (the criminal) — has already gone through two editions.

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CHAPTER CXXIV.—PROFESSIONAL TRAINING SCHOOL FOR  
PRISON OFFICERS.

IN a preceding paragraph I promised a word or two further on the normal school, — college one might call it, — for the professional education of prison officers, at Rome. It has accommodations for between two hundred and three hundred inmates. The majority of these, though not all, are selected from the Italian army. They are young men taken from the *élite* of that body. The greater part of them are skilled as agriculturists, shoemakers,

tailors, carpenters, or other handicraft workers. These are carefully instructed in all matters needful to render them efficient officers in the various establishments for criminals and vagrants ; but they are especially trained with reference to the wants of the agricultural penitentiary colonies before mentioned. Two thousand of these young men have already gone out from this institution, and their influence has made itself felt as a beneficent and elevating power in the administration of the prisons of the Italian peninsula. It was with unspeakable delight that I recently paid a visit to this establishment, which may be pronounced, in all respects, a model institution of its class. It is a subject of gratulation that the next prison congress is, on the invitation of the Italian Government, to be held at Rome, for the agricultural colonies and the normal school for prison officers are worth a pilgrimage to the Eternal City from the most distant regions of the globe. But Italy not only wishes the next congress to meet in her capital, she desires also that its date be made contemporaneous with the *Exposition Universelle*, to which she proposes to invite all nations in 1883. It is to be hoped that her desire in that regard also will be respected ; for an actual inspection by the congress of the remarkable agency which she has established for supplying herself with a body of skilled prison officers could not fail to give the strongest possible impulse to reform in that direction throughout the world. An incidental advantage, superadded to the direct and designed benefit, would result from such institutions in this, — that their tendency would be to give a character of stability to the penitentiary administration in countries where it is now wanting.

## PART TWELFTH.

## SCANDINAVIAN COUNTRIES.

CHAPTER CXXV. — DENMARK. — HISTORICAL SKETCH  
OF THE PRISON QUESTION.

IN the year 1875 I spent a week in visiting and inspecting the penal establishments of Denmark, under the guidance of Mr. Fr. Bruun, director-general of prisons for that kingdom. Mr. Bruun is a gentleman of great ability, broad views, large culture, and possessing all those high moral qualities so necessary to one occupying such a position. What I shall have to say of the prisons of this country will therefore be the result of personal observation, and of conversations with the director-general and with other prison officials of the kingdom.

Prison reform has made marked progress in Denmark both before and since the Congress of London. Indeed, few countries have to-day a more thoroughly organized or more efficiently worked penitentiary system. Until near the close of the last century the state of the Danish prisons was bad to an extreme. Capital punishments, maiming, and torture abounded. These however, as civilization advanced, had been replaced to a considerable extent by imprisonment. This, when the crimes were great and the malefactors men, was accompanied by hard labor in the fortresses or on the fleet, where the prisoners, with fetters on their limbs, worked like cattle during the day, and at night were huddled together in common dormitories, without either light or guard. It is not necessary to describe the pandemoniums which resulted. The common jails were as bad as the higher prisons, — as bad in every sense as the English prisons in the last century, of which Howard has given such harrowing descriptions.

Near the end of the eighteenth century things had come to such a pass that the Government was forced to give serious attention to the prison problem. In 1793 a law was enacted containing several humane and just regulations; and a private society was formed to look after the welfare, as well spiritually as bodily, of the prisoners, — an organization quite in the spirit of the noble English reformer, who began his work just twenty years before, and had already closed it, a martyr to his zeal, in the great empire of the North.



But a dark night soon afterwards settled down upon Denmark, when in 1801 England made her memorable attack—as unexpected as a clap of thunder in a clear sky—on Copenhagen, which resulted in a war that lasted thirteen years. During the unequal struggle Denmark saw her soil desolated, her commerce destroyed, her strength exhausted, and her wealth and prosperity utterly annihilated.

Peace was concluded in 1814, but a generation was required for the country to recover from its exhaustion. For more than thirty years the prison question had to be put aside; but at length the estates of the realm entreated the Government to take that question anew into consideration. Pursuant to their prayer a commission was appointed in 1840 to study the situation. In accordance with its recommendation, the cellular system was adopted for prisoners awaiting trial and persons sentenced for short terms, and the associated system for those condemned to long imprisonments.

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CHAPTER CXXVI.—DENMARK (*continued*).—EARNEST  
WORK DONE SINCE 1840.

FROM that time forward earnest work has been done in Denmark for prison reform. Even the two wars waged by the Danes for their independence against the Germans—one in 1848–52 and the other in 1864–65—were not permitted to stop or even essentially to retard this work. Of its greatness some idea may be formed when it is stated that, within a period of twenty-five years from the commencement of the reform, a sum equal to about two million dollars of our money had been expended in constructing new penitentiary establishments, as well jails as higher prisons,—an amount of money that must be allowed to be not simply considerable, but extraordinary, for a country that does not contain two millions of inhabitants.

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CHAPTER CXXXVII.—DENMARK (*continued*).—PATRONAGE  
WELL-ORGANIZED AND EFFECTIVE.

PATRONAGE or aid societies have been established at the seat of each of the central or State-prisons. The society already referred to as having been organized at the close of the last century had perished during the long war, and no record of

its work has survived. A new prisoners'-aid society was formed in 1841 in Copenhagen, through the exertion of Mrs. Elizabeth Fry, the eminent English philanthropist and prison reformer. Its labors were confined to Copenhagen. Later, in 1859, similar associations were organized at Viborg, Horsens, and Vridsløselille, where the other three great prisons were found. Some of the functionaries of the prisons are always placed on the administrations of these societies, the additional members being generally selected from the citizens who carry on an extended business as manufacturers, merchants, artisans, farmers, and the like, because they have it in their power to employ a large number of prisoners as workmen. Towards the end of each month the administration by its officers appears in the prison, to see the prisoners who are to be set at liberty the ensuing month. Their behavior, capacity, and wishes are inquired into, and an understanding is had as to such help to be extended to each as may seem most fit according to the circumstances. Not all prisoners are aided, but chiefly those who on account of their diligence and good conduct are recommended by the director. What, next to behavior, is most taken into account is their age, their needs, and their early life. The younger are especially helped by getting them into service; the older, by money; the artisans, by tools. On the greater part the help is bestowed as a gift, but on others as a loan; and some are only promised help on condition that they first show a disposition to help themselves. In the country at different points the societies have agents to whose care and watch they confide their wards. For a number of years the State has granted an annual subsidy to these associations; an increasing number of municipalities do the same; and the citizens generally manifest a growing sympathy and willingness to contribute. Several legacies have been bestowed upon these societies, the largest of which is five thousand five hundred dollars. The aid societies may therefore be regarded as well-organized and efficient. The Government and the citizens willingly provide them with all the funds they need.

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CHAPTER CXXVIII. — DENMARK (*continued*). — PROGRESSIVE  
SYSTEM ADOPTED IN ITS ENTIRETY.

FROM the above statement it appears that the prison system of Denmark was in an advanced state at the convocation of the London Congress; but it has taken a new start, and even a new departure, since then. The first act of the Danish Government, after the return and report of its commissioner, so far as

the prison administration is concerned, was to issue an order provisionally that the prisons of the realm be conducted on the principles announced by the congress. An Act has since been passed establishing the progressive system of prison treatment absolutely and in its entirety.

Before I proceed to give the provisions of the law referred to in the last section, a short preliminary statement will be necessary concerning the prisons and sentences employed in Denmark.

The first classification of prisons is into two general divisions :  
1. Common jails, of which there are ninety-three, appropriated to the safe-keeping of prisoners awaiting trial and to the treatment of misdemeanants sentenced to terms of imprisonment not exceeding two years. 2. Felon prisoners, of which there is a twofold subdivision into cellular and associated,—the former for convicts condemned to terms ranging from eight months to six years, though with an average detention of little if any more than one year, and the latter to terms ranging from two to sixteen years, or for life. The prison at Viborg having been given up as no longer necessary, there remain two cellular and two associated prisons,—one of each class for each of the two sexes ; only the two prisons for women (cellular and associated) are in the same building at Copenhagen. The cellular prison for men is at Vridsløselille, and the associated male prison at Horsens.

With this explanation I am prepared for another. The new penitentiary law creating the progressive system was passed in April, 1873, and went into effect in June of the same year. The encouragements to industry and good conduct which it holds out to the prisoners,—the means whereby it proposes to educate their will, to implant in their souls good principles, and to train them to beneficial habits,—may be best set forth by the two following tables, the first of which shows the system as it is applied in the associated prisons, and the second as applied in those on the cellular plan.

It appears from these tables that the whole term of sentence is divided into seven parts, the periods under the heading "initial stage" and "first class" being identical ; and that prisoners sentenced to the shorter terms do not pass through all the stages, but overtake their release at different points in their progress. The system of progression established by this law, it seems to me, would be improved (because the stimulus thus attained would become greater) by shortening somewhat the stay in the fourth and fifth classes of prisoners sentenced to the longer terms, and so enabling a greater number to reach the intermediate prison and the stage of provisional liberation.



TABLE I.

*Showing the minimum time in which prisoners in associated prisons are eligible for promotion.*

| Terms of sentence. | Initial stage. | Duration of strict imprisonment. |          |          |          |          | Intermediate prison or testing stage. | Provisional liberation (ticket-of-leave). |
|--------------------|----------------|----------------------------------|----------|----------|----------|----------|---------------------------------------|---|
|                    |                | Class 1                          | Class 2  | Class 3  | Class 4  | Class 5  |                                       |   |
| <i>Years.</i>      | <i>Months.</i> | <i>M</i>                         | <i>M</i> | <i>M</i> | <i>M</i> | <i>M</i> | <i>M</i>                              | <i>M</i>                                  |
| 2 . . . . .        | 3              | 0                                | 6        | 9        | 6        | 0        | 0                                     | 0   |
| 3 . . . . .        | 3              | 0                                | 6        | 9        | 12       | 6        | 0                                     | 0   |
| 4 . . . . .        | 3              | 0                                | 6        | 9        | 12       | 18       | 0                                     | 0   |
| 5 . . . . .        | 3              | 0                                | 6        | 9        | 12       | 24       | 6                                     | 0   |
| 6 . . . . .        | 3              | 0                                | 6        | 9        | 12       | 24       | 18                                    | 0   |
| 7 . . . . .        | 3              | 0                                | 6        | 9        | 12       | 24       | 18                                    | 12  |
| 8 . . . . .        | 3              | 0                                | 6        | 9        | 16       | 24       | 22                                    | 16  |
| 10 . . . . .       | 3              | 0                                | 6        | 9        | 18       | 36       | 24                                    | 24  |
| 12 . . . . .       | 3              | 0                                | 6        | 9        | 24       | 36       | 30                                    | 36  |
| 16 . . . . .       | 3              | 0                                | 6        | 9        | 30       | 48       | 32                                    | 64  |

TABLE II.

*Showing the minimum time in which prisoners in the cellular prisons are eligible for promotion.*

| Terms of sentence.      | Initial stage. | Duration of strict imprisonment. |          |          |          |          | Intermediate prison. | Provisional liberation (ticket-of-leave). |
|-------------------------|----------------|----------------------------------|----------|----------|----------|----------|----------------------|---|
|                         |                | Class 1                          | Class 2  | Class 3  | Class 4  | Class 5  |                      |   |
| <i>Years.</i>           | <i>Months.</i> | <i>M</i>                         | <i>M</i> | <i>M</i> | <i>M</i> | <i>M</i> | <i>M</i>             | <i>M</i>                                  |
| $\frac{3}{4}$ . . . . . | 3              | 0                                | 3        | 2        | 0        | 0        | 0                    | 0   |
| 1 . . . . .             | 3              | 0                                | 3        | 4        | 2        | 0        | 0                    | 0   |
| 1½ . . . . .            | 3              | 0                                | 3        | 4        | 8        | 0        | 0                    | 0   |
| 2 . . . . .             | 3              | 0                                | 3        | 4        | 8        | 6        | 0                    | 0   |
| 3 . . . . .             | 3              | 0                                | 3        | 4        | 8        | 12       | 6                    | 0   |
| 4 . . . . .             | 3              | 0                                | 3        | 6        | 12       | 12       | 12                   | 0   |
| 5 . . . . .             | 3              | 0                                | 3        | 6        | 12       | 18       | 18                   | 0   |
| 6 . . . . .             | 3              | 0                                | 3        | 6        | 18       | 18       | 24                   | 0   |

During my sojourn in Denmark I visited and carefully inspected the two female prisons under the same roof in Copenhagen, the cellular prison for men at Vridsløselille, and the associated male prison at Horsens. With the exception of the older portion of the female prison at Copenhagen, built nearly two centuries ago, they are admirable in all respects. But what most won my approval was the spirit of kindness and sympathy, the desire to win back the prisoners to the ways of honest industry, which were everywhere apparent. Mr. Bruun seemed to have succeeded in breathing his own spirit of Christian love and good-will into his subordinates.

CHAPTER CXXIX.—DENMARK (*continued.*)—REMARKABLE  
SUCCESS OF THE SYSTEM.

I WAS especially anxious to learn the operation and effect of the new system of classification of the prisoners established by the law of 1873, but by consent of the Government previously practised for some ten years in the women's prison at Copenhagen. Mr. Bruun said that the law had been in operation for so short a time that tangible results could not yet be attested by statistics; but that the best fruits had been realized from the isolated and imperfect application of the system as practised for ten years in the prison of Copenhagen. Relapses had been diminished to an amazing extent.

Prior to its introduction they had been from thirty to thirty-five per cent; but at present not more than ten to twelve per cent of those who are subjected to this régime are returned to the prison. I was further assured by him, as also by Mr. Möller, director of the central prison at Horsens, that the new law, though its effects do not yet appear in statistics, has not failed to show a conspicuous power for good in the improved behavior and diligence of prisoners. In the men's prison at Horsens I was informed, both by the director and chaplain, that scarcely a man fails to make his advance from class to class within the minimum time, so anxious are they to get the increased privileges which each successive stage offers to their ambition. In the other prisons the effect does not appear to be quite so marked; nevertheless it is very great. The system has brought a life and vigor into public punishment hitherto unknown,—thereby showing that men are still men under all conditions, and that they are actuated and controlled by the same motives inside prison walls that they are outside of them. Under the new system the prisoner feels that he has an end to struggle for. He feels also that he has something to lose; for if his behavior is bad he is returned to a lower class, and if he commits a fault he must remain longer in the class where he is. An increasing measure of liberty, in which the will is both tested and strengthened, is gradually accorded to him as his good conduct and advancement from class to class may warrant.

CHAPTER CXXX. — DENMARK (*continued*). — FREQUENT VISITATION OF PRISONERS IN CELLS.

IT is considered of great importance in Denmark to secure frequent visits to the cell-prisoners. For that purpose the following regulation has been made: Every Wednesday the director of each prison holds a meeting of the higher officers; namely, the assistant director and the first overseer, who have charge of the discipline; the chaplain, who has the pastoral care; the medical officer, who has the sanitary inspection; the book-keeper, who is in charge of the labor; the teachers, who give lessons to the prisoners; and the cashier, who has the clothing and the inventory in his keeping. Each of these functionaries is required to visit all the inmates at least once a month; and at the weekly meeting they must submit to the director a register of the prisoners visited during the preceding week, noting therein what they have observed in respect to the conduct and progress of each. The deliberations of the meeting are entered in a record-book by one of the teachers as secretary, and this record, after having been read and approved, is signed by the director.

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CHAPTER CXXXI. — DENMARK (*continued*). — CELLULAR DETENTION—PRISON AT COPENHAGEN.

IN addition to the great penitentiary establishment, I also visited a prison for preliminary detention in the suburbs of Copenhagen. Like all other prisons of its class in Denmark, it is constructed (as prisons of this description ought always and everywhere to be) upon the cellular plan. It has thirty cells arranged in three tiers on each side of an open area, some fifteen feet wide and thirty-five feet in length. Here divine service is held every Sunday, the prisoners coming out of their cells to take part in the exercise. Each cell contains about eight hundred cubic feet of space. There are also a few additional rooms of larger size designed for prisoners whom it may not be thought safe to confine separately, or for mothers who have infant children to whom the care of the mother, though under criminal detention, is still a necessity. Attached to the jail are six or eight yards, in which the prisoners exercise separately for half an hour each morning and afternoon.



CHAPTER CXXXII. — DENMARK (*continued*). — CHILD-SAVING WORK.

THERE are three reformatory institutions in Denmark on the model of Mettray ; none of which, however, could I visit, on account of their distance from the capital and the shortness of my sojourn. I had a general account of them from Mr. Bruun, in substance, as follows : They have all been founded by private benevolence and are subject to private control, but receive pecuniary aid from the State. Agriculture is the principal industry. As regards education and training, it is sought to approximate the family life as much as possible in the treatment of the inmates. The results have been satisfactory. One of these establishments — that at Flakkebjerg — has now for many years displayed great activity and achieved a signal success under the superintendence of Mr. Möller, a gentleman of the highest ability, whose merits have been recognized and rewarded by the Government and the public.

As regards other child-saving institutions Denmark has made large progress since the Congress of London. For more than fifty years associations and establishments have been found there which have offered asylums for destitute, deserted, and orphan children, where they are treated on the family idea, and where an education is given to fit them for agricultural labor. During the period that has elapsed from 1872 to 1878, it is young girls and children of the female sex who have in a special manner drawn to themselves the attention and care of the public. A society having this end in view was organized in 1872, and an asylum was opened by it last year to receive young girls who have been discharged from prison, where it is sought, as in Holland, by giving them suitable instruction, to furnish them with the means of earning an honest living.

It remains under this head only to mention an institution unique of its kind and special to Denmark. It is an establishment which offers an asylum to deserted female children, who are admitted from the age of two to four years to remain to the age of sixteen. The girls receive there an education proper to fit them for the highest positions as servants. This establishment, which dates from 1874, owes its existence to the generosity of the deceased Countess of Danner. To found it the countess gave her chateau of Jægerspris, with all its dependencies, — a gift representing a value of nearly 10,000,000 francs, equal to \$2,000,000, or £400,000 sterling. It is designed for six hundred children ; but, till now, it has received only two hundred and fifty.

The director-general of prisons for Denmark publishes, every five years, reports which are continually enlarging their range of subjects, and which offer at the same time statistical information of the highest value.

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CHAPTER CXXXIII.—DENMARK (*concluded*).—PRISONS IN ICELAND.—PENITENTIARY JOURNAL.

MANY penal ordinances have, since 1872, been promulgated in relation to Iceland, a country which is connected by a personal as well as a civil union with the kingdom of Denmark, so that the penal code of that island has attained the same degree of development as that of Denmark. At the capital of Iceland a new penitentiary has been erected, and at the same time there have been built in the country cellular prisons for persons awaiting trial, and for criminals sentenced to short terms of imprisonment.

Since 1877 Mr. Fr. Stuckenberg has published a monthly journal in Copenhagen, whose aim is to discuss all questions appertaining to penal and penitentiary science, and to serve as an organ for all the northern countries,—Denmark, Sweden, Norway, Finland, and Iceland. The press of these countries has greeted the enterprise in the warmest manner, and predicted for it a prosperous future.

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CHAPTER CXXXIV.—SWEDEN.—ROYAL ADMINISTRATION OF PRISONS.

THE system of prison administration in Sweden differs from all other European systems in this,—that it forms a separate and almost independent branch of government, under the name of the “Royal Administration of Prisons.” The *personnel* of this department consists of a director-general and two chiefs of bureau, with a corps of subordinates including a medical officer-in-chief, who is charged with the general oversight of the medical and sanitary service of all the prisons of the realm,—an office unknown, so far as I am informed, in all the other penitentiary administrations of the world; yet, as it strikes me, an office most fit and useful, since it gives to the medical service of the prisons a physician of the highest ability and broadest experience, who can be consulted by his subordinates on all occasions of special

importance. Further, it is his duty to visit once a year, at least, all the prisons of the country, whereby there is secured a more uniform, intelligent, and effective organization of this branch of the service.

In saying that the penal establishments of Sweden are under the control and government of the royal administration, one exception must be noted. There is a certain number of communal or district prisons, over which the general administration has only the power of inspection. This arises from the fact that these prisons do not appertain to the crown. They are built, supported, and managed by the communes, and serve only as houses of arrest and detention during the preliminary proceedings and the trial.

Since the administration of the Swedish prisons has been centralized in the hands of a single and independent authority, important results have been obtained. Previous to such centralization, the wisest and best conceived measures were, so to speak, devoured by other schemes inspired by clashing views and interests, with no hand lifted to defend them or to effect a reconciliation. What one department of government desired another refused, with an endless series of antagonisms as the result. From such a state of things there sprang of necessity a wretched confusion of ideas and a fruitless conflict of schemes and purposes; but to-day we see, instead, unity of views, unity of plan, unity of execution,—and the result has been, not a faultless system certainly, but such reforms in the penal code and in prison discipline as have effected a considerable diminution in the number of crimes and criminals. To verify this result, it is only necessary to glance at the figures at the time of and since the inauguration of the central administration. In 1840, the epoch of the reform, with a population of 3,138,887 souls there were 17,636 prisoners. In 1850 a population of 3,482,541 gave 13,410 prisoners. In 1860 there were 12,577 prisoners to 3,787,735 inhabitants; while the statistics of 1870 showed a prison population of 13,127 to a citizen population of 4,168,880. In other words, on a comparative view of the figures at the earliest and the latest of these periods, it appears that while the population of the country had increased, in round numbers, twenty-five per cent, the population of the prisons had decreased in the same ratio,—thus showing a diminution of exactly one-half in the comparative criminality of the country.



CHAPTER CXXXV. — SWEDEN (*continued*). — CLASSES OF PRISONS. — STAFF. — PERSONNEL.

THERE are in Sweden three classes of prisons, which may be named as follows:—

1. Cellular prisons (*maisons d'arrêt*), one or more in each department of the country, forty-four in all, with two thousand four hundred and eighty-two cells. These are for prisoners whose sentences do not exceed two years.

2. Central prisons, — some cellular, others associated, — for prisoners sentenced for two years and over. Of the former there are three for men, with four hundred and three day and night cells, and eight hundred and forty night cells, with workshops sufficiently numerous for little groups of ten to fifteen prisoners in each. Of the latter there are three for men and three for women, with common dormitories and only a few punishment cells.

3. Dépôts, or small cellular prisons in the communes.

The departmental cellular prisons are all constructed on the same plan, are generally situated in the suburbs or immediate vicinity of towns, and are surrounded by gardens and exercise yards. They contain, severally, from fifty-four to one hundred and two cells for day and night occupancy. In connection with some of the larger of these establishments are special houses for the confinement of tramps.

The central prisons for men are built to accommodate not exceeding five hundred prisoners, conformably to the most approved principles of penitentiary science. The penitentiary of Gothenbourg has 294 cells; that of Malmö, 441; that of Langholmen, 508, — in all, 1,243; of which 840 are for night occupancy only. Of the three associated prisons for men, the fortress prison of Varberg is for able-bodied life-prisoners who are occupied in stone-cutting. The fortress prison of Landskrona is reserved for life-sentenced prisoners less vigorous, and for those more advanced in age. The central prison of Karlskrona is intended for prisoners of a certain age sentenced for a term of years, and for those considered incorrigible, or in regard to whose future little is to be hoped for. There will soon be built at this prison a cellular wing in which the worst prisoners will be confined separately at night.

The central prisons for women are, as already stated, on the congregate plan; but it is in contemplation speedily to arrange them for separation of the prisoners at night.

Thus the time approaches when the structure of the prisons will be no longer a hindrance to the introduction of a more ra-

tional convict treatment. The heaviest work, observes Director-general Almquist, falls upon the present time, — that of preparing what is necessary in order that the time to come may profit by a penitentiary reform whose outcome for excellence and efficiency is not generally understood in our day.

The staff attached to each of the central prisons is composed of a director, employés, and keepers, with salaries varying according to the importance of the prison and the length of service, from 7,000 to 600 francs, together with in most cases lodging and fire. The keepers may receive, in addition to their salary, for zeal and exemplary conduct, a maximum gratuity of 200 francs, and those who know and teach trades to the prisoners may obtain a further gratuity of 150 francs.

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CHAPTER CXXXVI. — SWEDEN (*continued*). — MODEL PRISON FOR YOUNG CRIMINALS.

**A**BSOLUTE injustice would be done to Sweden, and important knowledge withheld from the students of penitentiary science, if I should fail to notice the efforts put forth within these later years in the direction of an improved prison treatment. The administration conceived it to be a matter of gravest importance to have a special prison, designed chiefly for young criminals; and in this view it submitted to the Government in 1870 a proposition for the erection of a new prison at Nya Varfvet, near Gothenbourg. After showing the danger of young prisoners being corrupted by a forced association with those more depraved, and the defect of the contract system of labor as regards the discipline, the administration proposed that the new prison should be so constructed and organized that the prisoners might during the day work in little groups under adequate supervision, and be at night shut up in cells with facilities for occupying themselves in reading or at light manual labors.

Since the want of moral and religious education is a principal cause of the wrong-doing of youth, the administration proposed that much more time and care than formerly be given to the religious and intellectual instruction and moral training of the prisoners. For this reason, it recommended that there be attached to the prison, designed for three hundred at most, not only a chaplain as teacher of religion and superintendent of instruction, but also special masters for the subjects usually taught in primary schools, as well as for the industries which should enable the prisoners to live honestly after their release. It suggested that a considerable variety of trades be introduced into the prison;

and, as agriculture is the leading industry of Sweden, the project showed the great advantages that would accrue to the prisoners if, some time prior to their liberation, they should be employed in farming, and be permitted to learn something of the trades most useful to be known in connection with it, such as carpentry, smithing, saddlery, etc. Also, that in recompense of his good conduct the prisoner might be allowed, in his leisure time and during the evenings, to receive lessons in linear and architectural drawings, in basket-work, brush-making, wood-carving, toy-making, etc. His aptness in various occupations would, after his discharge, add to his means of self-support.

The administration further suggested in its project, that, as it would not in general be possible to count upon a genuine reform and serious resolutions on the part of the prisoner without the concurrent moral influence of the prison administration, it would be indispensable that the *personnel* should be chosen with a great deal of care; but that, to be able to comprehend the exigencies of this service and gain the necessary qualifications for it, those who sought employment in the prisons should be required to pass through a preliminary course of instruction and probation; that, in effect, to correct the spirit of the criminal and inspire him with a sound and serious purpose of amendment it is necessary to possess a knowledge of men and a moral force by no means common. But, to find in the *personnel* the qualities in question and the knowledge to make them available, it is well-nigh indispensable that its members be made to pass through a preparatory and probationary course in a well-administered penal institution. With a view to obtain the aid and support of which such an administration has need, the project provided for the formation of a commission of supervision, composed of the director, the chaplain, the doctor, and other functionaries of the prison, with whom should be associated a few persons among the more intelligent and influential of the neighborhood. The aim of this commission would be mutually to aid one another in the endeavor to become well acquainted with each prisoner, to win his confidence with a view to influencing his character, and when a prisoner, towards the end of his imprisonment, should show himself worthy, to second his efforts to be reinstated in society, and to obtain service or some other lawful means of providing for his wants.

This proposition was approved by the Government, and the national parliament granted the necessary funds to carry it into effect. The establishment has been completed on the principles above set forth. The same principles have been followed, so far as possible, in the reconstruction of the central prison of Malmö and that of Langholmen near Stockholm. But with a view to improve the discipline and get rid of the old system of contrac-



tors, none of these establishments is to contain more than five hundred prisoners, and one of them is limited to a maximum of three hundred.

The prisoners, isolated day and night the first six to twelve months, receive, from four to nine hours a week, the instruction of the chaplain and schoolmasters, and, for trades, that of the trade-instructors. When the period of isolation is over they are still separated at night. They work in small sections of ten to fifteen men, each in his shop, under the supervision of the trade-instructor or sometimes of a well-behaved convict, as well as under that of the keeper, who promenades in the corridor separated from the workshop by a paling.

During this stage of their imprisonment, the convicts not above the age of thirty-five years are obliged to attend school a certain number of hours weekly; beyond that age attendance is optional. On Sunday, after divine service, there are exercises of singing and drawing, and, after dinner, moral lectures or readings by the chaplain, the schoolmasters, or, under their supervision, by one of the prisoners.

At Nya Varfvet, where the land belonging to the establishment is considerable, well-conducted prisoners, who have nearly served out their time, are occupied in the labors of agriculture, horticulture, etc. as a preparation for the time which will follow their liberation.

What is said above represents only the shell, the outside of things. The essential progress depends on the spirit, the intelligence, and the zeal of the local staff for the instruction, the labor, and the entire treatment in all its details.

Good qualities were not wanting in the *personnel* previously employed in the central prisons; still, in proportion as the exigencies of a more rational penitentiary treatment increased, in the same degree were those relating to the *personnel* of the administration augmented. But an entirely new appreciation of the demands of the service could not be suddenly imparted to the whole *personnel* already employed, because the knowledge and the spirit imposed by the new state of things were of slow growth, and could be acquired only by study and experience.

Schoolmasters not having been previously, or at least for any great length of time, employed in the central prisons, the general administration judged it wise to call to that charge persons best fitted for it by their spirit and their education.

Within a few years schools have been established in all the central prisons; but in each of the three new prisons two teachers possessing a university education, high natural gifts, and a warm interest in the work have been employed. These masters together with the chaplain give special lessons in the cell to such prisoners as need them; but they also teach in class, and

give moral and instructive lectures to the whole body of the prisoners.

These schoolmasters are further charged with the duty of giving instruction to the keepers, and of supervising their studies. In this way they greatly contribute to the development of their intelligence, at the same time that their relations with them inspire in the whole corps a higher and more civilizing spirit.

By these means, without having recourse to special schools, the hope is entertained of being able to establish in the central prisons a preparatory course, not only for the *personnel* there employed, but also for the employés of the departmental prisons.

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CHAPTER CXXXVII. — SWEDEN (*continued*). — METHODS OF INSTRUCTION.

**A**MONG the convicts are found not a few endowed with rich natural gifts and high intellectual powers, unhappily educated in a wrong direction. With others, idleness and vice have wrought such a weakness and decay of the faculties that they are scarcely accessible to any degree of culture ; and others still, as the result of long-continued evil associations, have arrived at that point of crime and degradation where evil has become with them the sole end of existence, the only means of gratification.

Evidently, then, the work of instruction in prison schools demands qualities and qualifications essentially different from those required in the ordinary schools. An instruction intended for persons so varied in moral character and condition should have in view less to give a certain degree of scholastic knowledge or to perfect it than to awaken the sentiment of goodness, never wholly extinguished even in those who have fallen lowest. Therefore, scholastic knowledge ought to be less regarded as a means to arrive at the end really held in view. Wherever there exists the indispensable minimum of preliminary knowledge, the method of instruction to be preferred is that of conferences, or familiar lessons, by way of question and answer, to elucidate the subject and aid the understanding of it, the prisoners having full liberty to ask explanations on all points where they feel the necessity of more light.

Experience has shown that this method, used by a judicious and earnest professor, is nowise injurious to good order or the progressive march of instruction, while it imparts a degree of variety and freedom to the sameness and constraint of the prison beneficial alike to the physical and moral health of the prisoner. The teacher who thus becomes thoroughly acquainted with each

individual, and knows both his moral state and mental development, is able to adapt his lessons to both. The daily intercourse of teacher and prisoners by degrees renders more placid and open a nature quick to take offence and practised in deceit, and their thoughts are directed to subjects which had before been quite strange to them.

The personal interest shown in the criminal, of which he sees himself the object perhaps for the first time in his life, quickly inspires him with confidence towards the person who labors to awaken his conscience and develop the good qualities which till then, as it were, had lain concealed within him. Then the prisoner begins to confide to him his family secrets, and to ask his advice in reference to such or such a matter. When his confidence has been gained, the grand aim of scholastic instruction has been attained.

In proportion as the prisoner perceives that there still exist in him good dispositions, which only need to be developed and ripened, the sentiment of manly dignity is awakened in him. Good principles and serious thoughts take root in his heart, and by pains and care on the part of an enlightened and philanthropic teacher they may grow and produce a new *inward man*. And thus we arrive at the realization of that which constitutes the true end of the penitentiary administration.

Certainly, this end is not reached at a bound. It presupposes in all the prison functionaries a zeal, an unselfishness, an interest in their vocation so full of responsibility, an energy, and an incessant professional fidelity which give them moral power over the prisoner, and which are all qualities absolutely indispensable in their position.

Besides the vast field which the prison teacher is thus called to cultivate, it goes without saying, that, owing to his knowledge of them, he is the person most fit to give to the prisoners useful counsels; to furnish them with directions suited to the moment most dangerous for them, — that which follows their liberation; and to help in procuring for them, according to circumstances, the support of patronage societies or of private persons.

Such, in the opinion of the royal penitentiary administration, are the qualities required in a good prison schoolmaster. They are many, and of an importance far greater than is generally supposed.

The prison administration and the keepers should work on the same line; and to this end the personality of the teachers, their instructions, and the zeal which they have for their mission are not without effect. It is this thought, this spirit, which has decided the choice of the schoolmasters for the penitentiary establishments of Sweden. These gentlemen are animated by the warmest interest and the most generous zeal in their mission.



In the central prisons for men instruction is limited, so far as the aged and the old recidivists are concerned, to a few hours during the week or the evening of Sunday.

There is a schoolmistress in each of the central prisons for women, besides which a few ladies who have the confidence of the administration are permitted to visit the prisoners on Sunday, to read to them, and exercise them in singing.

Scholastic instruction is limited to reading, writing, arithmetic, history, geography, and natural history ; but it extends to singing and drawing for those who desire it. The progress is in general satisfactory, sometimes even astonishing. In several of the associated prisons the inmates carry four parts of the psalms and of other simple and appropriate tunes.

In the departmental and communal establishments, where the prisoners remain but a few weeks or months, instruction is given only by the chaplains.

The New Testament, the psalter, and the book of hymns and prayers are placed in all the cells.

As nearly all the prisoners can read, the library of the prison is supplied with choice books, so that every convict finds books suited to his taste and his needs. Some prisoners have read all the books of the prison library. There is a total of twenty-four thousand volumes in the Swedish prisons. Prisoners are allowed to exercise themselves in writing and arithmetic, and to this end an inkstand is placed at their disposal.

The school-rooms, airy and well-lighted, are furnished with maps, engravings of natural history, and all other appliances used in the primary schools.

The convicts of their own accord employ their leisure moments and their Sundays and other festival days in reading, either individually or in groups ; and, in this latter case, one of themselves or an employé reads to them aloud.

The visits required to be made in the cells by the directors, the officers, and the employés of the prisons, and the conversations which follow thereupon, offer them the best opportunities of developing the intelligence and directing the education of the prisoners. With a view to furnishing good materials for these interviews, which should never be made matters of mere routine, and to make them fruitful, a large selection has been made of moral sentences, simple but of deep significance ; and these have been printed in large characters on separate cards, to be hung up successively in the different cells. These are made the subject of conversation or of short familiar lectures on the part of the prison officials. By this means, also, the prisoner is furnished with the opportunity of giving a useful turn to his thoughts in his hours of solitude and silence.

The commission of surveillance has for its aim to study the

character and antecedent life of each convict, with a view to find a sure basis for a fit penitentiary treatment. It watches attentively his conduct in prison, that it may be able to judge what ought to be done for his rehabilitation, and whether aid should be extended to him on his liberation. It has the further duty of causing to be kept, by one of the teachers, a detailed journal, a moral history in effect, of each prisoner, his conduct, and his progress, whether in the direction of good or of evil.

But all the efforts so put forth would exert but a feeble influence towards the moral regeneration of the prisoners, if they were not supported by regular labor and a strict discipline, which, without causing irritation, exacts from them by its moral force a submission in harmony with their position, and leads them voluntarily and with good-will to obey the regulations and to conduct themselves in a becoming manner.

Instruction, reading, singing, and the various other efforts of the administration, joined to a just and humane treatment, have, beyond all question, exerted a happy influence upon the spirit and manners of the prisoners.

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CHAPTER CXXXVIII.—SWEDEN (*continued*). — MORAL AND RELIGIOUS INSTRUCTION.

MUCH attention is given in Sweden to the religious and moral instruction and culture of the prisoners. Every prison has its chaplain, who devotes his whole time and strength to this work. As there are thirty-eight cellular prisons in the twenty-five provinces and at least a dozen on the congregate plan, it follows that not less than fifty men are so engaged, in lieu of the eight or ten in the State of New York; and yet the populations of the Kingdom and the State are about equal, that of New York being in fact a little in excess. But what do we find to be the character of these men thus laboring for the moral regeneration of the prisoners? They are selected by the royal administration with the greatest care. Being then good and competent men, they have to an almost unlimited degree the respect and confidence of the prisoners; and their work is both quickened and rewarded by the results attained. It is true they have a better soil to work upon than some of their fellow-workers in other countries. Irreligion, using the word in its exact sense, does not appear in these northern European countries to have penetrated the masses; and hence it may be said that the moral disorders which there bring men to the prison have, as a general thing, rather shaken than destroyed the religious fibre. Consequently,

under the seclusion and calm of the prison it measurably recovers its force and vibrates anew to the appeals of reason and religion. The administration, therefore, counts largely upon the influence of the chaplain, and exerts all its zeal in facilitating and supporting his endeavors. At every hour of the day and night the prison is open to him. It is made his duty to visit the prisoners as frequently as possible, to exhort, instruct, and encourage them; in a word, to make use of all proper means to inspire them with repentance and lead them back to virtue. In this view the administration has caused to be prepared a book of prayers and religious reading adapted to the special use of prisoners; and it also publishes for them a sort of monthly journal, in which are related with suitable comments all the principal facts and incidents recorded in the Bible history. This journal is much prized by the prisoners, and is distributed to such of them as are distinguished for their good conduct or have shown the strongest disposition to profit by its lessons. It is thus made a reward of merit and acts as a stimulus to obedience and industry. All this is over and above the routine work of the chaplains, such as the religious offices of Sundays and festival days, the catechism, etc., which are all fixed by the regulations, and from which the prisoners can under no pretext whatever receive a dispensation.

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CHAPTER CXXXIX. — SWEDEN (*continued*). — PRISON LABOR.

A RIGHT organization of prison labor is considered by the royal administration to be of the greatest importance, not only as a means of lessening the expense of the prisons, but also as one of the most useful factors in convict treatment. It affords a healthy nutriment to the thoughts, calms the spirit, teaches order, and imparts manual dexterity, so useful to the prisoner on his discharge. The possibility of increasing his *peculium*, and of contributing to the support of his wife and children, — these two things have an importance which cannot be too much insisted on. The choice of the labor is considered a matter of special importance. Manufacturing operation, properly so called, with its division of labor, is not thought to respond to the exigencies of a good penitentiary treatment. Therefore the contract system, it is held, ought to be discarded. The sole interest of the contractors is profit, and hence their aim is naturally so to organize the labor that, in employing mechanical force and the greatest possible division of labor, this may yield the greatest possible amount of income. At the same time, the fact is recognized that it is often extremely difficult to find an industry suitable to be con-



ducted on State account. By way of compromise between these two systems, the prisoners have more recently, under the direction of the prison officials, worked on raw material furnished by manufacturers or even private individuals. In this manner have been avoided at once the inconvenience of the contract system and that of a too great competition between private industry and prison labor. In general it may be stated that the contract system is being abolished as far and as fast as is deemed consistent with the interest of the State and of the prisoner.

In the organization of labor, while the contract exists and so far as it exists, since the economic interest ought not to prevail over the moral interest, the administration is not absolutely obliged to accept the offer which is financially the most advantageous. The choice of the foremen or trade-instructors of the contractors has to be approved by the administration, and the administration has also the right to dismiss them whenever the interest of the discipline may require such a step.

According to the report furnished to the London Congress (1872) by the Swedish Government, the profits of the labor are thus distributed: In associated prisons the prisoners are engaged on compulsory labor for the State. The sum gained for the State by the male prisoners is about equal to the cost of their food. The sum gained by the work of the women is equal to the cost of their food and clothing. But in the cellular prisons the State is not directly benefited by the work of the prisoners. Their earnings are distributed thus: The prisoner receives two-sixths; the director, for providing work, tools, etc., one-sixth; the keepers, for surveillance, one-sixth: the rest is deposited in the savings bank with a view to aid on their discharge prisoners who need such assistance, and whose conduct during their imprisonment has been unexceptionable. Of the two-sixths which the prisoner receives he may spend two-thirds in buying additional food, but cannot exceed in such expenditure two francs a week. In Mr. Almquist's recent brochure, "Sweden, her Social Progress and Penitentiary Institutions," the above statement is modified to this extent, — the director receives one-sixth only after the earnings reach the sum of twenty-eight hundred francs (\$560), and on an amount of earnings less than that, one-third; the employés receive always, to be divided among them, a sum equal to one-half the share of the director. The earnings of the prisoners awaiting trial (*prévenus* and *accusés*) belong wholly to themselves, except when the director provides the work for them, in which case he gets one-third.

The daily earnings of male prisoners in the central prisons (ten to twelve hours) are eight to ten cents; of women, eleven to twelve cents; but this is over and above the *peculium* allowed to the prisoners, which would increase the sum total by one-third.

CHAPTER CXL. — SWEDEN (*continued*). — DISCIPLINE.

THE use of tobacco, of which formerly the consumption was very considerable, is not at present tolerated in any form.

The most common offences against discipline are attempts to communicate, drawings and writing on the walls, and the lack of cleanliness.

In the secondary cellular prisons the punishments are the withdrawal of the bed, diminution of food, and the dark cell. In the central prisons, additional to these, are cellular separation with or without work, and exceptionally, in very grave cases, the bastinado.

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CHAPTER CXLI. — SWEDEN (*continued*). — HYGIENE.

THE sanitary state of the prisons has been highly satisfactory during these later years, owing to the order and cleanliness which reign there, and the great care bestowed upon the prisoners. These are kept at regular work, not too hard, and receive a simple but healthy nutriment. Cell-prisoners work ten hours ; those in the central prisons a little longer. Nine hours are devoted to sleep in summer ; ten in winter. Morning and evening a half-hour is given to dressing, prayer, and the visit of the keeper. An hour is given to dinner and repose, and a half-hour each to breakfast and supper. On Saturday labor ends at four P.M., the rest of the day being set apart for bathing and general hygienic purposes.

The cellular prisoners exercise at least a half-hour daily in the exercise-yard. The sick in these prisons are ordinarily cared for in their own cells, but their hammock is replaced by a bed ; in grave cases they are taken to the hospital, with which each cellular prison is provided. The other (congregate) establishments have spacious and well-aired hospitals, where the sick are treated. None of these are permitted to remain in the workshop or common dormitories.

CHAPTER CXLII. — SWEDEN (*continued*). — AID TO DISCHARGED PRISONERS.

FOR aiding discharged prisoners there have been organized within the last few years nine patronage societies in the provinces, some of which have displayed a fruitful activity. The members pay a small annual fee, and the societies receive, when necessary, a subvention from the general prison administration, which draws for this purpose upon the savings bank mentioned above, whose funds consist of the part allowed by the State of the product of prison labor.

For liberated female prisoners there exists at Stockholm a refuge, under the active patronage of the queen. The women remain there generally a year to accustom themselves to good manners, at the same time learning the more ordinary sorts of household work, different kinds of sewing, washing, etc. Experience has shown that it is not difficult to find places for these women before they leave the refuge, and that the most of them do well, — thanks to the good examples and the good training given them in this maternal home.

There is also in Stockholm a refuge for discharged male prisoners, equally remarkable for its origin, since herein the two are quite at the antipodes. As the other had a queen for its founder and patron, this had a working-man, who, single-handed, established and superintends it, whereby he has been the means of transforming a goodly number of criminals into honest, decent, and self-supporting citizens. Though possessing but very moderate resources, his refuge has effected excellent results, and in this respect is not unworthy of its royal co-worker.

The work of patronage is still in its infancy in Sweden, but it is sure to develop and expand with great rapidity.

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CHAPTER CXLIII. — SWEDEN (*concluded*). — CHILD-SAVING WORK.

SWEDEN is behind many other countries as regards the use of agencies which are preventive of crime, unless we include among such the totality of those measures of compulsory education and for promoting the industrial activity of her population, — in which respect she may justly challenge a place in the forefront of the nations. To her thousands of primary schools



are attached, in a manner more or less direct, a great number of inferior industrial schools for both sexes, and of schools of housewifery and domestic service for girls.

There are, relatively, a considerable number of special establishments, large and small, designed for destitute and deserted children. But, until recently, Sweden has been without correctional establishments for youths already initiated into vice and crime almost from their infancy. Four such existed prior to 1875, with an aggregate population of one hundred and fifty boys and about ten girls. In that year there were founded three additional establishments of the same kind, — one for girls at Stockholm, one for boys at Kalmar, and last (and far most important of all), the agricultural colony of Hall, founded by the "Oscar-Josephine Society," largely through a donation made by Queen Josephine, since deceased, in memory of her husband, King Oscar I. This institution has taken for its model the French colony of Mettray. It has a domain of nearly two thousand acres, admirably situated on the shores of the Baltic, near Stockholm, and is intended for three hundred *colons*. It receives only vicious children, ten years old at least. But there is a considerable number of children below that age who, through the influence of bad example or evil association, are in imminent peril of ruin, unless some helping hand be extended for their salvation. Fully impressed with these dangers and these needs, a generous lady of Stockholm, Madame Sophia Alm, now deceased, has given more than a million of francs to found, under the name "Foundation of Axel and of Sophia Alm," an institution intended for the same class of children of both sexes. Within a few years this useful institution will, without doubt, be in full activity. Thus the good work moves on in Sweden, as elsewhere, under propitious skies. What will not the world have witnessed ere a new generation arises to take the place of this!

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#### CHAPTER CXLIV. — NORWAY. — CLASSES OF PRISONS. — ADMINISTRATION.

NORWAY is behind her Scandinavian sisters, Denmark and Sweden, in the completeness of her penitentiary organization, but not in her spirit of progress and the earnestness of her endeavors to realize the best ideas in her penitentiary work.

There are four classes of prisons in Norway, as follows: three fortress prisons, four houses of correction, one penitentiary, and fifty-six district prisons, corresponding in the main to our county

jails. The eight establishments belonging to the first three categories are State-prisons, and their expenses are defrayed by the Government ; but the expenses of the fifty-six district prisons are met by the districts in which they are severally situated, *minus* certain specified items of expenditure, which are a charge upon the exchequer of the State.

The management of the prisons of Norway is in the hands of the department of justice. This department is charged with the immediate administration of the eight State-prisons, while under it the administration of the inferior or district prisons is confided to local boards of managers, with superintendents or chiefs having the title of prefects, who appoint their subordinates. Each State-prison has also its local administration, which makes the necessary regulations as to discipline, economy, etc. ; always, however, in conformity to rules laid down by the department of justice, or at least having its approval and sanction. The directors and chaplains are appointed by the king ; the medical and financial officers by the minister of justice ; the teachers by the chaplains ; and all other functionaries by the directors. The king names the members of the local managing boards, who are generally taken from among the judicial or administrative officers of their respective localities. Tenure of office is not for a fixed time, but during good behavior.

Under authority of an Act of the Norwegian parliament, passed in January, 1875, a director-general of prisons was appointed the same year, under the title, in the language of the country, of expeditions-chief. The appointment was given to Mr. C. C. Smith, who had long held a responsible position in the ministry of justice, and whose ability and fidelity had therefore been thoroughly tested. To prepare him more fully for his work, he was dispatched on a mission to visit, inspect, and examine the principal penal establishments of the different countries of Europe. I had the pleasure to make the acquaintance of the new inspector-general, in the summer of 1875, at Christiania, soon after his appointment and before he had been on his European mission. I found him full of zeal and energy, and strongly impressed in favor of the progressive system of convict treatment, as applied by Sir Walter Crofton in Ireland.

CHAPTER CXLV. — NORWAY (*continued*). — PUBLIC OPINION  
FAVORABLE TO THE PROGRESSIVE SYSTEM.

THE committee of justice has, in successive reports, expressed a preference for this system, but has shrunk from a vigorous pressure for it, because of the great expense which its adoption would cause. This timidity is perhaps due, in part at least, to the fact, that since 1858 Norway has expended about 1,000,000 specie dollars, equal to \$1,100,000 of our money, in building her fifty-two district prisons, whereby her prisons of preliminary detention are much better suited to their purpose and work than the same class of establishments in most other countries. That must be set down to her credit, as a good and sound beginning. I was assured that a thorough reform of the prison system could not be long delayed in Norway, especially under the strong and persistent pressure that would be brought to bear upon the work by the new director-general of prisons; and that, whenever that time came, the work of the London Congress would form the basis of the new organization. I was further assured that it would be easier now than at any previous time to carry through the needed reforms, for the reason that the Congress of London had made the prison systems of the whole civilized world, so to speak, transparent. They can be seen as in a mirror, so that the good points may be copied, while the bad are avoided. They are marshalled, as it were, in groups, thereby enabling each nationality readily to decide which is best adapted to its own circumstances, character, and wants.

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CHAPTER CXLVI. — NORWAY (*continued*). — PENITENTIARY  
AT CHRISTIANIA.

PERHAPS, in my further description of Norwegian prison work, I cannot better discharge the task than by giving a brief account of my personal inspection of a prison of each class at Christiania, beginning with the penitentiary.

This is the latest and best of the State-prisons of Norway, having commenced its work in 1851. It is a cellular prison with two hundred and fifty-two cells, spacious and well ventilated. I visited it on the 7th of September, 1875, when the number of inmates was one hundred and seventy-two. Mr. Richard Petersen, son of a late prime minister of Norway, is the director of the



prison; a gentleman of excellent natural gifts, of large culture, and with a heart whose every pulsation is for the reform, the elevation, the welfare, — in one word, the salvation, — of the fallen and the unfortunate. In his whole work he has but one impulse, one desire, one aim, one effort, — it is, by God's help, to change bad men into good ones; to that every thought and energy of his nature are directed with a ceaseless activity.

On the prisoner's arrival at the penitentiary Mr. Petersen first takes him into his private office, and, in a strictly confidential conversation, questions him kindly but searchingly as to his past life, — his parents, his brothers and sisters, what occupation he had, how much he earned by his labor, where he had lived, what had led him into crime, and especially the cause of the criminal act for which he had now been committed. In conducting this inquest, Mr. Petersen's manner is so gentle, so winning, so kindly, so truly paternal — for his heart is in the work — that the prisoner's confidence is gained; he is more often than otherwise melted into tears, and the secrets of his life are laid open to the view. All the facts elicited in this interview are carefully recorded in the "Book of Character."

Next, Mr. Petersen explains to the prisoner the nature of the punishment to be undergone, what he will be required to do and what not to do while in prison, and why all this has been made necessary by his crime. He gives him to understand that it is his duty to see the prescribed punishment executed, at the same time explaining to and impressing upon him, that he and the other officers are his best friends, since their great aim is to change him into a better man.

In the "character book" is afterwards inserted, from time to time, whatever tends to throw light on the moral condition of the prisoner, — such as fragments of his correspondence, how he works, studies, progresses, repents, confesses other undetected crimes (a thing not uncommon), or, contrariwise, how he retrogrades and grows worse. His disciplinary punishments, also, are all set down in this book; in a word, an outline of his entire moral history during his imprisonment is there made matter of record.

Before his discharge, the prisoner is again called into the director's office, and, in a parting conversation, recounts briefly the incidents of his prison life. He tells what progress he has made, and in what directions; what are his plans and purposes; where he wishes to go; what to do, etc. Then, if he is not from Christiania, the director asks him to write to him often and freely, and to inform him where and how he lives, what he works at, how much he earns; in short, all the particulars of his life, his successes, his failures, etc. He ends by assuring the prisoner that he will still continue his interest in him and seek his good.

The chaplain's estimate of the prisoner and whatever remarks he has to offer concerning him are inserted in the "character book." Lastly, his weight on his discharge is recorded, as it had been on his entrance.

Mr. Petersen lays great stress on these notices about the prisoner, believing it necessary to study the man thoroughly in order to be able to manage and mould him as an individual being. He visits and talks personally with each prisoner every three weeks, and so does the chaplain. Indeed neither of these officers restricts himself to that number of visits. He regards individualization as essential to all reformatory prison discipline. He lays equal stress on his correspondence with discharged prisoners,—having in this way, in numerous cases, continued a good work and carried it forward to perfection.

Through these agencies Mr. Petersen reaches with few exceptions the hearts of his prisoners, because his own heart works in and by them. As a consequence he rarely fails to win their confidence and affection. Thus he governs them by gentleness and love rather than by violence and fear; and they are unspeakably better governed and are made more docile, orderly, and obedient by the former method than they would or could be by the latter.

A meeting of the prison staff is held every Saturday, at which are found the director, the chaplain, the doctor, the three school-masters, the chief warder, and the steward or financial officer, for conference and consultation on all matters and interests pertaining to the prison and the prisoners.

No classification of the prisoners exists in the associated prisons other than that of distributing them in the work-rooms and dormitories in such manner that the younger and less corrupted are separated so far as may be from the older and more dangerous criminals. But in the penitentiary there has been introduced a system of progressive classification based on the zeal and merit of the prisoners, through which some mitigation of their punishment is gradually afforded. Such mitigation consists only in allowing them, to an increasing extent, to write letters, receive visits, work in the open air, and other minor privileges. The prisoners are not permitted either to share in their earnings or shorten their terms of sentence, though these are the greatest stimulants that can be applied to impel them to industry and general good conduct.

Among the best reformatory agencies employed Mr. Petersen counts the sermons and personal conversations of the chaplain, the school-lessons, and the labor. The labor he declares to be his "hobby." "Ah," said he, kindling into a glow of enthusiasm as he uttered the words, "our prisoners who are employed as cabinet-makers, turners, basket-makers, blacksmiths, saddlers, etc., *behave well.*" There are four carding-machines, all made in the

prison itself. They are each of a size to be placed in a cell. They were constructed on this wise (I give the account in Mr. Petersen's own words):—

"I had many years ago a very clever prisoner who, having often been tried for theft, had passed a long time in a house of correction. 'Governor, you should supply your prisons with a carding-engine,' said he to me one day; 'and if you desire it I will make a smaller machine after the large one I have seen in the house of correction.' After having conversed with him I consented, and let him begin the work. He had no sketch, no model, at hand. He worked out of his own head, but when the machine was finished it showed itself to be in all its details extremely well and finely done. Afterwards we made three other machines on the model of the first. The four prisoners who work at these machines behave always well, and are industrious, so that their foreheads rise in pearl drops, to my hearty pleasure and their own too. They clean and love their machines as artillerists do their guns. The builder of the first machine is this day an honest man. I think that my confidence in him did him good."

Mr. Petersen criticises freely his own prison. In the first place, he says, they have there too many short sentences; indeed, he counts all sentences too short that are under a year. He regards the advances made in the five classes into which the prisoners are divided as too insignificant, particularly as there is included therein no participation in earnings and no abbreviation of sentence. The subordinate officers lack the necessary professional education for their work, and feel too little interest in the prisoners. He is a thorough believer in the doctrine promulgated at Cincinnati, — that no prison can become a school of reform till there is on the part of the officers a hearty desire and intention to accomplish that object, and a firm faith in the possibility of accomplishing it. He likes the cellular system up to a certain point, but thinks long or often repeated isolation enfeebling to both mind and body.

And just here, at the expense of making my notice a little longer than I could wish, I must introduce an extract from a letter received from Mr. Petersen a few months ago to show still further the spirit and manner in which his prison is conducted, and what opinions he holds after more than twenty years' experience as a prison governor. He says:—

"You know that my prisoners are divided into five classes. In the first, if recidivists, they remain three to five months; in the second, five months; in the third and fourth, one year each; in the fifth, the rest of their prison life. In the first and second classes the prisoners work in their cells; in the third they may work out of the cells, but within the prison building; in the fourth and fifth they may work in the yards. These are cultivated as much as possible, but with simple plants, — vegetables for



the table, willows for the basket-workers, and wild-roses as a luxury. The out-buildings are covered with creeping vines. I have also a nursery of trees. All the beds are surrounded by well-clipped hedges, so that the gardens, to my eyes and those of the prisoners too, look like royal ones. We keep hogs and a thrashing-barn within the prison walls. To a prisoner working here I sometimes say : 'How happy you seem, Mr. John !<sup>1</sup> Here is a very good smell,—a home-smell, as if you were not in a prison.' And then he smiles, scrubbing the hogs or thrashing with might and main ; and I make my round to my heart's content. You will see that we have much work to do in our yards. All these things I lay before you because I explained to the members of the Scandinavian meeting in Stockholm that I was not afraid of four years of cellular life under a progressive system such as mine. Without that, I would agree with the other Scandinavian members that two years' isolation ought to be the maximum. In our gardens (yards) I sometimes have as many as four prisoners working together under an officer and in silence, but as a rule they are separated from each other. You know that our prisoners do not wear the mask ; of course they can see each other when going to exercise, church, bath, etc. Yet the prisoners in each wing are quite separated from those of the other wings. But I cannot go further than this. I am not an idolater of system. Every system should be adapted to the circumstances of the country and the character of the people where it is applied, but no system ought to be idolized. I am decidedly of opinion that recidivists, if they have reached the age of twenty-five, ought to be placed in an associated prison, since I feel sure that the repetition of the cellular punishment is injurious to the prisoner in all respects, bodily, mentally, and morally. The cell is a blessing to prisoners sentenced to it for the first time, but a ruin to the habitual thieves. I continue my correspondence with discharged prisoners ; but Mr. Seiss, our head-teacher, is my superior in that regard. Every prisoner writes to him, and he replies to all. He is an able man, and one of the pillars of the prison. I very often think of Mr. Organ in connection with him, and compare the two in thought. Mr. Seiss tells me that a young prisoner, who finds stealing 'extremely interesting,' but conducts himself well here, said to him, — 'I should like to be a Christian, not because of what you tell me, but because you look so happy in telling it.'

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## CHAPTER CXLVII. — NORWAY (*continued*). — FORTRESS PRISON AT CHRISTIANIA.

THE fortress prison at Christiania is under a military administration, as are also the other two in other localities. It has accommodations for four hundred inmates ; on the day of my visit the number was two hundred and forty-three. The system of imprisonment here, as in all the State-prisons except the peni-

<sup>1</sup> The personality of the prisoner does not disappear in a number, nor does Mr. P. fear to put a prefix to his name.

tentiary, is that of association, with common dormitories. This latter feature is most objectionable, and is felt to be so by the authorities. It is one of the chief grounds on which a reform of the penitentiary system is urged.

Numerous industries are carried on in this prison, such as weaving, carpentry, smithery, shoe-making, saddlery, baking, book-binding, painting, basket-making, and stone-cutting,—this last being the most extensive, as it engages the labor of nearly one third of the convicts. It is not simply the dressing of stone for buildings that is done here, but works of art are produced in this department as well. There are now to be seen, in the public square in front of the parliament house at Christiania, two granite lions chiselled some years ago by two prisoners (priests), of which the execution is most creditable to the artistic powers of the reverend culprits.

Ten prisoners (more or less) are constantly employed in the bakery, as all the bread used in the penitentiary, house of correction, detention prison, and military establishment at Christiania is made here.

All male criminals sentenced for life or to penal labor for six years and over, and all male recidivists for not less than three years, are committed to the fortress prisons. Of the first of these classes—life-sentenced men—the number at the date of my visit was twenty.

Although the system at the fortress prison of Arkershuus is that of association both day and night,—the common dormitories having from forty to sixty beds each,—yet the first and last months of the imprisonment are passed by the prisoners in cellular separation.

Although only one prisoner in a hundred on the average is wholly illiterate, yet all are required to attend school. They come by workshops daily for two hours, the inmates of each shop attending in succession from ten A.M. to twelve M. Besides the schoolmaster, there is also a music-teacher, who gives lessons in singing every Saturday afternoon to thirty or more prisoners.

Some little stimulus is held out to insure good conduct in an extra allowance of food granted to the best-behaved prisoners. This is an objectionable sort of reward, as it appeals solely to a gross animal instinct. The authorities themselves acknowledge the force of this objection, and Director-general Smith spoke of the practice in terms almost of disgust. But it is sure soon to be swept away, with much else that is objectionable, and to be replaced by a system in which the appeal will be to the higher and better impulses of humanity.

I was much impressed with the intelligence, good feeling, and courtesy of the director of this prison,—Colonel Beichmann,—who, if the military administration of prisons is to be tolerated at all, impressed me as being “the right man in the right place.”

CHAPTER CXLVIII. — NORWAY (*continued*). — HOUSE OF CORRECTION AT CHRISTIANIA.

THE house of correction is an old, irregular, tumble-down sort of building, of large dimensions; but, through the enlightened energy and efficient zeal of its admirable director, Mr. Jensen, the prison is kept in excellent order, every part of it being clean as a new-made pin, and the whole administration and discipline maintained at a high point of excellence and efficiency. The two departments, male and female, are in different parts of the establishment, between which there is no communication. In the men's department there are accommodations for two hundred and fifty; in the women's, for two hundred. The number of inmates, on the occasion of my inspection, was, of males, one hundred and twenty-six; of females, one hundred and forty-eight.

The chief industries for the women, besides work for the establishment, are laundry-work and the manufacture from the raw material of cloths of all sorts, from the finest broadcloths to the coarsest satinets and horse-blankets. About two thirds of the women are occupied in this last-named industry, and from it the chief revenue is derived, so far as it comes from female labor.

The male prisoners are also largely employed in the manufacture of cloths, considerably more than a third of the whole number being thus occupied. Other industries in the men's department are stone-cutting, carpentry, cabinet-work, tailoring, shoe-making, wood-chopping, book-binding, saddlery, smithery, and some minor employments.

The average *per capita* earnings of the prisoners of both sexes are seventy-five specie dollars a year, equal to about eighty-two dollars and fifty cents of our currency. This sum is nearly sufficient to cover the current expenses of the establishment.

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CHAPTER CXLIX. — NORWAY (*continued*). — DETENTION PRISON AT CHRISTIANIA.

THE prison of preliminary detention at Christiania, like most others of its class throughout the kingdom, is upon the cellular plan, having one hundred cells of eight hundred cubic feet each, except that seven of them are of double size,



and intended each for two persons. At the time of my visit thirty-six prisoners were confined in the prison awaiting trial, and twenty-seven under sentence without labor. The shortest term of imprisonment here, under sentence, is four days, and the longest two hundred and forty. The dietary is arranged upon a somewhat complicated scale, according to the length of sentence ; but it seems hardly worth while to go into a detailed explanation of it.

One wing of the prison is appropriated to persons arrested for intoxication and confined for a night. It is sad to record that the nightly average of this class of inmates is reported at thirty. The night previous to my visit it was thirty-six ; and the night following the *fête* day, on which the equestrian statue of Carl Johann (Bernadotte) was inaugurated, the number rose to fifty-nine.

Being a detention prison, it receives women as well as men ; but the two sexes are completely separated from each other, as each prisoner is from those of the same sex. None are required to work, and none choose work at this prison. The prison is well-built, well-lighted, well-aired, substantial, and secure : and, being cellular, is a good model for prisons of its class everywhere.

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#### CHAPTER CL. — NORWAY (*continued*). — PRISON LABOR.

I LOOK upon prison labor as, in some respects, better organized in Norway than under any other prison system with which I am acquainted ; though in others, and those not unimportant, it might be modified to great advantage.

The labor system differs materially in the prisons of the three Scandinavian countries. In Denmark the prison labor, with the exception of the small portion of it needed for the work of the penitentiary establishments themselves, is let to private contractors ; and the excellent director-general of prisons, Mr. Bruun, strenuously defends the system as the best yet devised, being there, he claims, held so firmly in hand by the prison authorities as to prevent all interference with the discipline, and exclude all hurtful outside influences. In Sweden the labor is conducted upon a mixed system, partly on account of the State and partly by contractors, — the latter system until recently having greatly predominated over the former. Mr. Almquist, director-general of prisons for Sweden, a gentleman of large experience and observation, is, as we have seen, of the opinion that to secure the best results of prison discipline, so far at least as the moral refor-

mation of the prisoners is concerned, all the industries should be under the direction of the administration, and the pressure, as we have further seen, is at this moment strongly in that direction. Differing in this respect from both her sister kingdoms, Norway manages the labor of her prisons exclusively through their respective administrations.

Now, what are the results of these several systems? Financially, that of Norway is the most satisfactory. While the net earnings of the Danish prisons, excepting of course the detention prisons, pay only forty-four per cent of the expenses, the earnings of the Norwegian prisons, with the same exception, meet fifty-four per cent of the total cost, while the house of correction at Christiania comes very near to absolute self-support. The disposition of the earnings in the Swedish prisons is peculiar, as they are almost wholly divided between the prisoners, the officials, and the savings bank in aid of the liberated.

Morally, the Norwegian system cannot possibly be less satisfactory than those of Denmark and Sweden, unless some unknown factor comes in to make it so, since it would be contrary to all experience and all reason to suppose that, with all outside influences eliminated, an equally good internal administration should not yield equally good moral results; while the presumption is that these would be better, for the reason that exterior influences, intruding themselves within a prison, are generally found to be a disturbing and pernicious element. I will not undertake in the present case to say in which of these three countries the prison administration yields the best moral results, because my intimate conviction is that in all of them the great aim and effort of the authorities, especially those at the head of the several administrations, is to effect if possible, and as far as possible, the moral regeneration of the prisoners; and there are no exact statistics within my reach which will justify a decision as regards any claim of precedence.

But there is one objection met, one fear allayed, by the experience of Norway; namely, that prisons managing their own industries could scarcely expect to find a ready and permanent market for the products of their labor. Such has not been the case in Norway, but quite the reverse. Each of the three State-prisons of Christiania has a sales-room in that city, where its industrial products are offered to all comers, at the same prices — not a farthing less — as all other goods of the same description and quality. With what result? Why, the prison-made goods (and we have seen how varied the prison industries are) meet with a readier sale than goods manufactured elsewhere. Such a fact will be a puzzle to many. Is it that the products of prison labor are better made than those of other manufactories? Not at all. What then? Simply that customers have no misgivings as to the absolute hon-

esty of the raw material, while they fear some sort or degree of cheatery in that of private establishments, — an honorable testimony to the integrity of the men whom the Government has put in charge of the penitentiaries of the country.

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CHAPTER CLI. — NORWAY (*continued*). — RECENT IMPROVEMENTS.

OTHER ameliorations have been introduced into the prisons of Norway, which are by no means of an unimportant character. For example, effort has been made, not without success, to develop and improve scholastic instruction in the prisons, to enlarge the prison libraries, and to organize the labor in such manner that the prisoners may as far as possible during their imprisonment be occupied in such kinds of work as will best enable them on their liberation honestly and honorably to provide for the wants of life. Progress has also been made in another direction, and that of much importance. Formerly there existed but one prisoners' aid society in Norway, but within the last two years several such have been organized. A warm interest is given to these associations, and some of them are aided by the State. The number of liberated prisoners who apply to them for help increases daily.

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CHAPTER CLII. — NORWAY (*concluded*). — CHILD-SAVING WORK.

NOT much has heretofore been done in Norway in the way of child-saving work. But the "dry bones" begin to move even in that field. Mr. Petersen, official delegate from Norway to the London Congress, in his report to his Government, said: "*Tofte gave* [the gift of Tofte], a little agricultural colony for vagrant and neglected children, is a foundation on which it may be possible to build; and it may be that a future reform will first cast its eye on that establishment." These words have proved to be prophetic. The little establishment for the education and reformation of vicious children founded many years ago by the generosity of Mr. Tofte has just been considerably enlarged, and it was the national parliament that furnished in part the funds for such enlargement. The institution has been removed from a very poor farm to a very excellent one, where it will henceforth be con-



ducted on the family plan, with accommodations for one hundred and twenty boys.

This may be regarded as an entering-wedge, and Norway within a few years is likely to be well supplied with a system of preventive and reformatory institutions.

## PART THIRTEENTH.

## SWITZERLAND.

CHAPTER CLIII. — EXTRAORDINARY PROGRESS REALIZED  
WITHIN THE LAST FEW YEARS.

EXTRAORDINARY progress has been realized in Switzerland within the last few years in the penitentiary domain. The advance has been so great that I cannot venture to use the statements on this subject communicated officially to the Congress of London in 1872, lest I should put forth error instead of truth, and do injustice to a country which is eminently entitled to justice by its intelligence, zeal, and activity in this department of social reform. That I should be without the necessary *data* for an account of penitentiary work in Switzerland seems so strange that some explanation of the fact will be looked for as a matter of course.

My friend Dr. Guillaume, who has held the position of official delegate from the Swiss Confederation to the congresses of London and Stockholm, and that of secretary-in-chief to the latter, prepared and placed in my hands a report on the Swiss prisons brought down to the time of the Stockholm Congress (1878). This I returned to him for publication in the Transactions of the Congress, with a request that he would cause it to be copied out at my expense and the copy forwarded to me. This request I have since renewed by letter, but without effect; and the second volume of Transactions in which it will no doubt appear has not yet been issued from the press. Why the report has not been sent to me in manuscript I am of course unable to say, but it is probably owing to the pressure of more important duties. Under these circumstances I can only give as my sketch of Swiss prisons the few and hasty paragraphs contained in my opening discourse as follows:—

Few countries have felt the influence of the London Congress more strongly or more beneficially than Switzerland. Since the date of that gathering, Switzerland has become on this subject like a bee-hive in summer, where all is life and activity, and the hum never ceases. The progress realized has been remarkable. New penal codes have been enacted; new and improved prisons

have been built; new preventive and reformatory institutions have sprung into being; the progressive system of convict treatment has taken firm root; provisional liberation has been decreed and is in operation in a number of cantons; the work of patronage has been largely developed; the Swiss prison-society has displayed an extraordinary fertility of initiative and an equally extraordinary activity in pushing its measures through to their consummation, whether they related to penal legislation, prison discipline, or preventive and reformatory agencies. Such is the short history of six years' work in the little republic which forms the centre of Europe.

If I should stop here, enough would have been said. But let me add a fact or two to make good these statements.

It has been said that the work of patronage has been much quickened and extended. One fact in support of that assertion: The canton of Neuchâtel has a population of 100,000 souls. It had a patronage society before the Congress of London, but the organization was small in numbers and feeble in action. Now it has an effective membership of fifteen hundred persons. The chaplain of the penitentiary went from house to house throughout the canton soliciting sympathy, names, and money; the result is what I have stated.

It has been said that preventive and reformatory institutions have been multiplied in Switzerland. Now see the proof. Some years ago a citizen of Neuchâtel, — a M. Borel, — dying, bequeathed to the State 800,000 francs, now become a million, to be devoted to such benevolent object as the legislative council of the canton might direct. The council named a commission to determine the object to which the bequest should be given. Divers institutions sought the generous gift, but failed to obtain it. However, after the London Congress, the commission, informed of its doings and its views, decided by a unanimous vote that the bequest should be devoted to the founding of an institution for saving destitute, neglected, and exposed boys from the plunge into crime. The London Congress obtained that money for this work as really as if it had gone to Neuchâtel in a body, and made application for it. The buildings for the institution, which is to be on the family system, are well advanced towards completion. Some years later a rich citizen of the canton of Neuchâtel, — M. Lambelet, — also enlightened as to what the Congress of London had done and thought, and inspired by the example of the legislative council of Neuchâtel, in making his will bequeathed his whole fortune, nearly equal to that of M. Borel, to found a similar institution for girls. He has since died, and the school, also on the family plan, is already in operation, there being no need in this case to wait for the erection of buildings, as his own dwelling was by the terms of the will to serve that purpose. The London Congress got that



money also, as it did the bequest of M. Borel, to be used for the prevention of crime.

A number of institutions organized on the family idea, like the Boys' Home at Farningham, England, and the Princess Mary's Village at Addlestone, near London, have been opened in Switzerland since the Congress of London. Still further, as a large majority of child-saving institutions in Switzerland, owing their existence to private charity, do not receive children beyond a certain age, and as consequently the young offenders from fifteen to twenty years of age are either abandoned to their fate or sent to adult prisons, — therefore the several cantons, with a view to fill this lacune, are at the present moment occupied with the problem of creating a reform school on the plan of Redhill, near London, for juvenile delinquents of the class just named, which shall serve for the use of the whole confederation.

One more fact I mention, not, unhappily, because it is characteristic of the general state of things in Switzerland any more than in other parts of the world, but because it may prove at once an example and an inspiration. A pastor in the canton of Neuchâtel, dying, bequeathed all his little fortune, some thirty thousand francs, to endow for all future time the chaplaincy of a penitentiary of that canton. The income from that endowment added to the salary accorded by the State furnishes, and will ever continue to furnish, a liberal support to the incumbent of the chaplaincy. May it not be at least hinted to the generous among the rich that they "go and do likewise?" — for there are few men who are so useful and worthy, and withal who work so hard, who are so poorly recompensed for their services as the chaplains of prisons.

## PART FOURTEENTH.

## GREECE.

## CHAPTER CLIV. — PENAL LEGISLATION. — PRISON SYSTEM AND ADMINISTRATION.

THE first penal legislation of Greece, after the separation of that country from Turkey and its erection into an independent State, was introduced by the Regency in 1833. The code thus established was a translation of the penal laws of Bavaria; but this was revised and essentially modified in 1835 by a commission of Greek jurists.

This modified translation constitutes, according to a decree of the 5th August, 1835, the actual criminal code of Greece. The principles on which the code is based are deterrence and reformation. The penalties established by it are of three kinds: I. Of police; namely, (1) the punishment of arrest; (2) of fines. II. Correctional punishments; namely, (1) imprisonment; (2) fines. III. Criminal penalties; namely, (1) death; (2) hard labor for life; (3) hard labor for a term of years; (4) reclusion.

The prisons are divided into: 1. Prisons of preliminary detention for those charged with crime and awaiting trial; 2. Penal prisons for the sentenced. The former are in the jurisdiction of the minister of justice, the latter in that of the minister of the interior.

The immediate supervision of the prisons of preliminary detention is confided to the royal attorney-general, that of the latter to the prefects. The *personnel* (staff) of each establishment consists of a director or superintendent, a deputy, a medical officer, a chaplain, and guards or keepers. In the house of correction at Corfu there are, besides, as foremen, the necessary skilled artisans.

The support of the prisoners is regulated upon a mixed system. Bread is furnished by contractors; the rest of the food is prepared in the prisons by cooks taken from among the prisoners themselves. The cost per day of food, clothing, and maintenance in general of each prisoner amounts to ninety *leptas* (the one-hundredth part of the *drachma*, — a drachma being equal to eighty-eight centimes of a franc). The general expenses of the direction, rent of buildings, etc. are 110,000 drachmas a year.

There are seventeen detention prisons in which, for want of room elsewhere, are also ordinarily confined those sentenced to the correctional punishment of imprisonment not exceeding a year. There are seven convict prisons. The average number of prisoners in all the prisons is 3,600. The annual movement of the prisons indicates a population of about 9,000 during the year.

Only the prisoners in the house of correction at Corfu labor in common workshops, in different sections, during fixed hours. In that prison are carried on the trades of shoe-making, tailoring, brick and tile-making, straw-hat-making, and the manufacture of terra-cotta ware for domestic use. In the other prisons, notwithstanding that the decree regulating the administration of prisons imposes the obligation of work, it has been found impossible for want of suitable facilities to introduce into them any industrial labor whatsoever. In certain prisons some little work is done with the needle. In the prisons of Athens the prisoners have been taught to write, and have been occupied in copying law papers; but such occupation is not systematic, nor does it deserve the name of organized labor.

The labor of the prisoners in the house of correction at Corfu produces from 10,100 to 15,000 drachmas a year. After deducting the cost of the raw material, this amount goes to the profit of the prisoners as an encouragement to industry. The portion belonging to each prisoner is paid to him on his discharge unless he has a family to support, in which case a part is paid to his family.

The prison of Corfu is the only one in which the prisoners are confined in cells at night. During the day they work in association.

For some time public opinion has been seriously occupied with the question of prison reform; but the limited resources of the country have not permitted the accomplishment of the progress which is earnestly desired. Various plans have been considered; but the only improvement undertaken, which was commenced a year ago, is the transformation of a large establishment, — situated on the island of Egina, an hour and a half from the Piræus, — formerly an insane hospital, into a house of correction. It is hoped that within a brief period there will be placed at the disposition of the administration of prisons a house that will be capable of accommodating three hundred and fifty to four hundred prisoners. There will be in the new prison separate wards for classification by age and otherwise, especially with a view to the moral regeneration of the prisoners. This will be a first step in prison reform, and Greece waits to see this labor completed in order to enter upon measures of a more general nature demanded by public opinion.



Within the last two years a beginning has been made in the direction of establishing prison libraries by the gift of books to certain prisons, and to-day are counted several thousands of volumes on the shelves of the different penitentiary establishments. It has been observed that there, as elsewhere, the books most sought by the prisoners are works of an historical cast.

Two-thirds of the crimes committed belong to the category of crimes against the person, of which the greater part are unpremeditated homicides, assaults, and woundings. As to crimes against property, the most frequent are thefts of animals.

The punishments oftenest pronounced are simple imprisonment, reclusion, and hard labor.

As regards relapse (*récidive*) it is impossible to furnish definite information, for the reason that criminal statistics have been but recently introduced.



## Book Fifth.

### MEXICO AND CENTRAL AMERICA.

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#### PART FIRST.

##### MEXICO.

CHAPTER I. — NO CENTRAL AUTHORITY. — PRISONS IN CAPITAL. — REFORMATORY INSTITUTIONS. — POLITICAL OFFENDERS. — PRISON SYSTEM. — RESULTS.

THERE is no central authority in Mexico having the control and direction of the whole penitentiary system of the country. The prisons in each municipality are under the care of a special commission, but are subject to the official inspection of the governors of the States, who exercise, if not an official control, at least a certain degree of moral influence over their administration. In the city and district of Mexico, called the Federal District, the governor of the province and home secretary (*ministro de gobernacion*) exercise a power of inspection.

There are two prisons in the capital, one of which is for persons arrested and detained on a suspicion of crime ; the other for adult prisoners who are under indictment, as well as for those who have been tried and convicted and are undergoing their punishment. Children under nine years of age, sentenced to a term of imprisonment, are committed to the poor-house (*hospicio de pobres*), certainly a most unfit disposition to be made of persons of their tender years. The place for these little ones who thus early develop a propensity towards crime would be a moral *sanitarium*, where they could receive the kindly care and training of a Christian home, and not be subject to the necessarily corrupting influence of adult paupers.

For the punishment of children above nine but under eighteen, who have wilfully transgressed, there is a special establishment where at the same time they receive an elementary education and learn a trade. This would seem to be somewhat of the nature of an industrial and reformatory school united in the same institution.



As to political offences, it has been taken into consideration that, if in some cases they proceed from unruly passions, they may in others be the result of errors of opinion, yet of good intentions. For this reason the offenders of this class are not placed on the same level as ordinary criminals, but are simply confined in a special prison used for this object alone.

The system of imprisonment hitherto practised in Mexico is that of association. The results of the system are reported by the commission to have been very unsatisfactory, the offenders as a general thing leaving the prisons worse than they entered them. Such being the state of things, the new penal code has provided for the introduction of the cellular system. Consequently, penitentiaries on that plan were, at the date of the report, in course of erection in the States of Jalisco, Durango, Puebla, and Mexico. Only one had then been finished, but the others have doubtless been completed since, and new ones added to their number.

While the cellular system has thus been introduced into Mexico, the commission strongly recommends that it should be at once softened and made more effective by allowing the visits of judicious persons capable of instructing the inmates in religion and morals.

Three kinds of imprisonment formerly existed in Mexico, — simple imprisonment, reclusion, and hard labor. The last named of these has been abolished by the new penal code. Between simple imprisonment and reclusion there is this difference: the former is awarded to prisoners over eighteen years of age convicted of misdemeanors; the latter to those of like age convicted of the higher crimes. Insane criminals are confined in a hospital suited to the nature of their malady.

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## CHAPTER II. — ENCOURAGEMENT TO PRISONERS.

**B**Y the new code various motives are held out to good conduct and obedience on the part of the prisoners. It is provided therein that persons sentenced to simple imprisonment or to reclusion in an establishment of penal repression for two years or more, and who have uniformly behaved well during a period equal to half the time their confinement is to last, have the remaining period of imprisonment remitted conditionally. This is called preparatory liberty. Offenders can not only obtain by means of preparatory liberty a diminution of their punishment, but they can even receive a free pardon if they have by their good conduct shown themselves worthy of it. Any punishment

of ordinary imprisonment or reclusion in an establishment of penal repression for two years or more is to be converted into close confinement in case the offender should have misbehaved himself during the last half of his time.

All proceeds of the work of the prisoners is given to them if they have been condemned for political offences, or if they are detained for minor offences against the law; but in the case of those condemned for misdemeanor or felony to imprisonment or reclusion, they have twenty-five per cent of their earnings if the punishment lasts more than five years, and twenty-eight per cent if the time is less. To the above percentages five per cent more is added when a criminal has obtained by good conduct his preparatory liberty. Moreover, if he supports himself by work obtained outside of the establishment another five per cent is added; and this may be increased until the allowance reaches seventy-five per cent of the total amount. The advantage of this system is that prisoners are thus encouraged to support themselves by their work, and that they maintain with free persons an intercourse which may be useful, when they recover their liberty, in enabling them to earn their livelihood without returning to a career of crime.

Besides the favors above enumerated, prisoners may by their good conduct obtain others. They may enjoy during the days and hours of rest any amusement which the rules of the establishment permits. They may apply one-tenth of their reserve-fund to the purchase of any articles of furniture or comfort which the rules do not prohibit. The kind of work which their sentence condemns them to perform may be commuted into one better suited to their education and habits.

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### CHAPTER III.—MORAL AND RELIGIOUS AGENCIES.—EDUCATION.

THERE are not chaplains in all the prisons, nor ministers of all denominations; and when chaplains are appointed they have no well-defined official duties to perform except so far as their ecclesiastical functions are concerned; and their duty of course is always to advise and comfort the prisoner and direct him towards reformation. Religion is believed to be the most valuable means of reforming the prisoners.

On the days and during the hours allowed by the rules the doors of the prison are open not only to the members of the protective boards, but also to all persons who, according to the judg-

ment of the council of vigilance (*junta de vigilancia*), are capable of contributing to the moral improvement of the prisoners.

Sunday-schools exist in some prisons, in others not.

The favor of writing and receiving letters is generally limited. The councils of vigilance of the prisons, to which it belongs to propose the reforms it deems advisable, have the power to determine what rules are to be followed in this regard. The results of this correspondence are not very satisfactory; and it would be desirable that prisoners should correspond only with those persons who can exert a beneficial influence upon them.

Formerly prisoners could be visited by all their friends; now only those persons are admitted who have leave of the council of vigilance, when they are believed by the members of that body capable of improving the moral condition of the prisoners by their advice and their example. In such case it is not thought necessary to employ any one to listen to the conversations.

Schools do not exist in all the prisons. When there are any they are generally frequented by all illiterate prisoners. The education imparted consists of the various branches of primary instruction and of religious and moral teaching. The progress made is satisfactory. There are no libraries in Mexican prisons. Generally prisoners do not read much, as they belong for the most part to the lower classes of society, where education is seldom imparted. A large proportion are not able to read.

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#### CHAPTER IV.—PRISON LABOR.

THERE is no penal labor in the prisons of Mexico, neither is it thought desirable that there should be any; first, because this would not contribute to the moral improvement of the prisoners; and, secondly, because, to render this kind of punishment effectual, it would often be necessary to use actual violence, which humiliates and degrades those who suffer it. On this is based article eighty of the code, which prohibits the use of physical violence to compel prisoners to work, and ordains that in case of refusal on their part they should be placed in absolute solitude for a space of time double that during which their refusal lasts. It is believed that in lieu of penal labor the means mentioned by article ninety-five of the code can be applied by way of punishment with the best results; namely, fine, privation of reading and writing, diminution of the quantity of food, increase of the hours of work and of the work itself, absolute reclusion with privation of tobacco.



Contracts for prison labor are forbidden by the code ; the labor is managed by the prison administration.

It is considered very important that during their confinement prisoners should learn some trade that may enable them to earn their livelihood, as the chief reason why they relapse into crime is that after they have served their time they do not find work, the want of which reduces them to poverty and leads them to commit fresh offences.

The means which the penal code has adopted to avoid this are, first, to increase the percentage granted to prisoners out of the proceeds of their work when they support themselves by labor done for persons outside of the prison ; this has for result that they acquire the habit of self-support, and also that they remain in constant intercourse with free people, which is of great use to them when they recover their liberty. Secondly, it has also been decided that the prisoners to whom preparatory liberty has been granted are to be transferred six months before to a special establishment designed for the purpose ; that during this period they are not to be separated from their fellow-prisoners ; and that if their conduct is good they are to be allowed to go out on errands or to seek work until they are restored to liberty. And, lastly, it has been ordained that the members of the protective boards are to be visited by the offenders after they have recovered their liberty, and are to procure them any honest work suited to their circumstances. This is provided for by articles eighty-five, eighty-six, and one hundred and thirty-six of the penal code, and in the ordinance which Government has enacted in addition to article twenty-four of the transitory law, — all this without prejudice to the protection given to released prisoners by the various benevolent societies, whose members visit the prisons for the purpose of contributing to the moral regeneration of the criminals who are confined in them.

In the Federal District and Lower California the proportion contributed by the labor of the prisoners towards defraying the current expense of the prisons is about one-half. As regards the other States, no information has been obtained on this point.

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CHAPTER V. — AIM OF PUNISHMENT. — IMPRISONMENT FOR DEBT.  
— CAUSES OF CRIME. — OBSTACLES TO REFORM.

**D**ETERRENCE has heretofore been considered the primary aim of public punishment, though the moral reform of the criminal has not been wholly ignored. So far the prisoners have left the prison-house in a worse state morally than when they

entered it. However, it is hoped that the modifications recently made in the penal code will improve this state of things.

Imprisonment for debt was abolished in Mexico in 1812, and has not since been restored.

Among the more general causes of crime in Mexico are reported want of education in the lower classes, abuse of intoxicating drinks, and misery. Among the temporary and transitory causes which occasion the crimes and offences committed in that country the most active are thought to be the prolongation of civil war, the impressment to obtain soldiers, the bad state of the prisons, the commotion created in the religious faith of society by the innovations made in ecclesiastical matters, the want of preventive police, and the bad administration of justice.

Though all Mexican statesmen and philanthropists have of late become aware of the importance and utility to the public of the establishment of the penitentiary system, the financial difficulties, the instability of the Governments, and the constant necessity in which the State has been placed to defend its existence against the attempts of revolutionary bands—an object which has almost exclusively absorbed the public attention—have until now prevented the realization of this great social reform. Consequently great criminals and petty offenders being indiscriminately mixed in the prisons, the contact, the association, and the example of the former have exercised a baneful influence on the latter; and generally those who having offended against the law are sent to the prisons and have remained some time in them, far from being reformed, leave the jail considerably worse than when they first passed under its gates. The improvement of the political State will doubtless contribute to do away with, or at least to lessen, the bad effects of this cause; and the reform of the prisons, directed first of all to the total separation of prisoners, must be, according to public opinion, one of the first objects to which Government ought to devote its attention as soon as the people have put into practice the principle that authority cannot be reformed by any other means than the pacific action of the laws, and in consequence people are no longer exclusively occupied with the care of their own preservation.

## PART SECOND.

## CENTRAL AMERICA.

CHAPTER VI. — GUATEMALA. — PRISONS. — POPULATION. — PROPORTION OF WOMEN. — INSPECTION. — OFFICIALS. — APPOINTMENT AND QUALIFICATIONS. — DISCIPLINE.

THERE are in the capital of the Republic the following prisons: the detention prison for males (*carcel*), the house of correction for women, the house of correction for men, and the military prison in the fortress of San José. For each of the other cities in the department of the capital there are two prisons, — one for men, the other for women. In the remaining nineteen departments of the Republic, not counting that of the capital, there is a prison for men and another for women in each of the chief towns of the several departments; that is to say, in that which has the greatest population, and in which the higher authorities — political, judicial, and military — have their residence. In other municipalities there are also, according to the importance of each, two prisons, — one for each sex.

Among the prisons of the Republic, those of greatest importance are the penitentiary of Quezaltenango and the two houses of correction in the capital. The first is nearly finished; and with its completion will be met an urgent need of the administration in the western departments of the Republic. The other two have been recently established at the capital; and with them there has been a marked amelioration of the condition of the prisoners who are received and treated therein.

To determine the number of prisoners contained in the prisons, and its relation to the number of inhabitants in the Republic, the supreme court (from which my information was received) took the *data* in the last period of five years, and the result is that within that period there were eleven thousand two hundred and eighty-two arrests and six thousand nine hundred and eleven convictions in a total approximate population of one million two hundred thousand in the whole Republic, — which gives about one per cent of arrests and a little more than one half of one per cent of convictions to the whole population.

Of these a small fraction over ten per cent were women.



The higher inspection of the prisons is in the supreme court, which exercises its supervision through the departmental judges. The immediate control belongs to the municipality of each place, and is accomplished by means of a superintendent of prisons. This person is a member of the municipal corporation, which through him watches over the internal régime, to the end that the buildings may be kept in good condition and that the food may be suitable in character and sufficient in quantity. The inspection thus instituted is effective, since it serves to remedy any evils that may arise, and at the same time to put in operation the measures suited to accomplish the just ends of the penal and correctional establishments.

The superintendents of prisons are appointed at the first annual session of each year by the several municipalities. The appointment of jailers also belongs to the municipalities, and these officials continue in their charge so long as they perform their duties satisfactorily. To be appointed jailer there are required on the part of the candidate an unblemished character, energy, and a knowledge of reading and writing. These officers are paid from the municipal treasury.

The actual discipline of the prisons has for its object that due order be maintained therein, and that the prisoners do not vex one another. This discipline is exercised by the jailers, and, when occasion arises, by the superintendents of prisons. The supreme court in its turn, and the courts of appeal in their visitation of the prisons (which they practise monthly), suggest all those precautionary measures which may have a tendency to maintain order and morality in the prisons. In the departments this duty belongs to the judges of primary jurisdiction; and in Quezaltenango to the court of appeals, which has its seat there.

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CHAPTER VII. — GUATEMALA (*continued*). — MORAL AND RELIGIOUS INSTRUCTION. — CORRESPONDENCE AND VISITS. — EDUCATION. — PERCENTAGE OF FEMALES. — LABOR. — EXPENSES.

IN the capital the house of correction for men has a chaplain, who attends on all the days required by the regulations, says mass, and gives instruction to the prisoners on their moral and religious duties. The prison for women is in charge of Sisters of Charity, who guide the prisoners in the way of virtue, without prejudice to the priest, who says mass on feast days, and addresses to them instructive discourses, moral and religious. The same takes place in the correctional prison for men. In the departments this service appertains to the parish priests.

Correspondence is permitted with family friends ; and once a week the visits of such friends are allowed, but the parties are separated by an iron grating. No inconvenience has resulted from this practice ; but, on the contrary, it is believed that the visits of these dear ones stimulate the prisoners to good conduct.

An examination of the statistical tables of criminality shows that a considerable proportion of the criminals belong to the class of day-laborers and peasants, — persons who in general are without education. Another part, though less in number, belong to the manufacturing and mechanical classes, who are not wholly illiterate.

From the same statistical *data* it appears that from twenty to twenty-five per cent is the proportion of prisoners within the last five years who knew how to read and write. With a view of promoting the mental progress of the prisoners, and to form them to habits of order and labor, there have been established workshops and primary classes in the correctional prison for men, — an important reform, which it is proposed to extend to the other penal establishments of the country.

To determine the proportion between male and female prisoners, the supreme court examined the statistics for twenty-three years prior to and including 1875 ; and the result was that within that period there had been convicted 16,022 men and 2,108 women, showing that the latter formed about fourteen per cent of the whole prison population.

From the report furnished by the supreme court it would appear that a considerable variety of trades and branches of industry have been introduced into the prisons of the Republic, such as carpentry, shoemaking, stone-cutting, engraving, weaving, sewing, laundry-work, etc. ; and that the prisoners share to a considerable extent in the proceeds of their labor, though the exact proportion of earnings accorded to them is not stated, nor the principles on which such participation is regulated.

The expenses of the minor prisons are paid by the municipalities ; those of the higher or convict prisons by the State.

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CHAPTER VIII. — GUATEMALA (*continued*). — HYGIENE. — SENTENCES. — EXECUTIVE CLEMENCY. — COMMUTATION. — RECIDIVISTS.

THE sanitary state of the prisons is, in general, satisfactory ; more especially, the houses of correction both for men and women are notable for their excellent hygienic conditions. The buildings are spacious, and the yards and corridors very ample,

with extensive gardens and halls well ventilated. Care is taken by the superintendents of prisons that the prisoners' food be healthy and abundant, and in their monthly visits these matters are looked into, and a remedy applied wherever failures are observed. The prisoners are supplied with two meals a day. Breakfast consists of a ration of corn bread. For dinner they have rice, broth, meat, and bread *ad libitum*. In the correctional prisons for men coffee with bread is given in the early morning, making in effect three meals daily. Great vigilance is employed with respect to the neatness and cleanliness of the prisons.

Two medical practitioners, named by the supreme court and paid from the fund for the administration of justice, are charged with the medical service of the prisons of the capital. In cases of a grave character, the court or the committing magistrate orders that the prisoners be removed to the hospital for treatment. In that establishment there is a separate ward, made sufficiently secure for the reception of sick prisoners. The mortality of the prisoners so transferred is insignificant, and there have been years in which not more than three records have been ordered to be made by the court in the several causes, in consequence of the death of prisoners undergoing their sentence.

In the prisons of the departments the medical service is confided to the medical officer of the departmental capital, who receives his appointment from the supreme government, since it is the general treasury that pays the salaries of these officials.

The approximate average duration of sentences for grave crimes is from five to eight years in a convict prison (*presidio*). A sentence of ten years, especially with the reserve of extending it to a greater length, is limited to homicides committed under mitigating circumstances. The death-penalty is rarely pronounced, and is reserved for the homicide who in the commission of his crime acts under the conditions of premeditation, treachery, and security. In the space of twenty-three years, before referred to for another purpose, there have been but thirty-four capital condemnations, and of this number not more than half were executed, the remainder having secured a commutation of this punishment to that of ten years in a convict prison, with a reserve of a farther extension of the time. In the same space of twenty-three years, the number sentenced to convict prisons was 11,849; to public works, 9,567; to simple imprisonment 6,700, including the women so sentenced.

Executive clemency has place with respect to those condemned to capital punishment. It is solicited by the attorney-general, as soon as he receives notice of the decree of execution, by means of a memorial which he presents to the president of the Republic. The president, in the exercise of his prerogative and after consultation with the minister of justice, commutes, almost always,



the punishment of death into that next below it in the penal scale. Executive clemency also intervenes when there occurs in the Republic some event of general interest, worthy to be commemorated. On such occasions the chief of the nation remits to prisoners a portion of their sentences, a clemency which is sometimes, though not often, extended in case of remarkable services rendered by a prisoner in some work of special public utility. The latter of these remissions seems just and wise; the reasonableness of the former is not so apparent.

The supreme court has also by law the power of remitting to those condemned to simple imprisonment or to public works one-fifth part of their sentences, always however on condition that they have been well conducted and have completed the other four-fifths of the sentence. This power is exercised by the supreme court on occasion of its general visitation of the prisons on palm Sunday and the fourteenth of September of each year, which is the anniversary of the national independence.

As a general thing the prisoners are certainly not worse on their discharge than on their entrance, since they acquire a certain habit of labor, and receive some moral lessons during their incarceration. This is shown by the comparatively small number of recidivists brought up for trial. The supreme administrative power is putting forth all possible effort to the end that the penal establishments accomplish the object for which they have been instituted.

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#### CHAPTER IX. — GUATEMALA (*continued*). — CHARACTER AND CAUSES OF CRIME. — DEFECTS. — REFORMS NEEDED.

THE crimes of most frequent occurrence in the Republic are those of blood, that is, "against the person," as well as those against property. Atrocious crimes are rare, such as poisoning, parricide, incendiarism; and still more rare is it to encounter in the crimes committed a character of ferocity.

The statistical tables for the five years from 1871 to 1875, inclusive, confirm the above opinion, showing as they do the following results: Convictions for crimes against the person, 6,138; against property, 2,274. For the five years preceding, of 11,282 crimes committed 6,138 were against persons. It results that fifty-four per cent were arraigned for crimes of this character, principally for wounds inflicted, and the remaining forty-six per cent for other offences. The proportion of crimes against property were twenty per cent of the total number of convictions represented by the preceding figures.

The principal causes of crime in Guatemala are the neglect of parents in the education of their children, popular ignorance, and, above all, intemperance and vagrancy. Among the causes of crime may also be considered those illicit relations which give birth to children who lack the guidance of the father, and sometimes the loving protection of the mother.

Great are the defects which, in the judgment of the supreme court, exist in the prison system of the Republic. The mingling together of those arrested on a suspicion of crime and those convicted of crime; the constant intercommunication of prisoners awaiting trial and prisoners sentenced for grave crimes, and of these latter with each other; the lack of organized labor as a reformatory element; the want of instruction and of intercourse with persons who, by their lessons and counsels, might awaken in the prisoners the idea of duty and the desire of amendment; the circumstance that there is not implanted and kept alive in them the hope of improving their condition and shortening their term of sentence by means of repentance well attested and an irreproachable conduct, — these are the principal deficiencies of the actual prison system of Guatemala.

To secure in the prisons the necessary separation of those simply suspected of crime from those whom a formal judgment has pronounced guilty and sentenced to undergo the punishment of their crimes; to guard against communication between criminals to prevent the contagion of criminality; to establish workshops in the prisons and so organize labor that the prisoner shall have some interest in the fruit of his toil; to introduce into the prisons a well regulated plan of instruction and a complete system of reformatory agencies, — in one word, to establish therein the penitentiary system of Sir Walter Crofton, with its principle of progressive classification, which has produced such excellent results in other countries, or some other of the systems which, based on organized labor and instruction, are adapted to effect the moral regeneration of the prisoners, are, in the opinion of the supreme court, the only effectual means of filling the voids and remedying the defects pointed out in the preceding paragraph.

The creation of one of these penitentiary systems, the communication of moral instruction to the peasant population in their cottage homes, the introduction of public instruction in the workshop as well as in the school, the opening of new hopes and aspirations to human activity, with a view to the extinction of vagrancy and the repression of intemperance will be powerful means to prevent the commission of crime.

CHAPTER X. — GUATEMALA (*concluded*). — EFFORTS TOWARD REFORM. — PROGRESS REALIZED. — CRIMINAL JUSTICE. — NO NEEDLESS DELAYS. — APPARENT INCREASE OF CRIME.

HAPPILY, the supreme Government is putting forth all its energies for the accomplishment of these important objects. In Quezaltenango the penitentiary is near its completion, and within a very short time the prosperous departments of the west will be in the enjoyment of the incontestable advantages of that reform. In the capital of the Republic, in a locality of ample extent and every way suited to the purpose, has already been laid the corner-stone of a new penitentiary by the chief of the nation.

The commission on codification is actively engaged in the reform of the criminal law, basing such reform on scientific principles, and bringing it into accord with the penitentiary system.

Public instruction is spreading to all parts of the country, mechanical industry is fostered, and agriculture receives decided protection.

Criminal justice is administered by justices of the peace, who take cognizance, in verbal process, of minor offences; by the judges of primary jurisdiction, who try causes of a graver character, and review the judgments of justices of the peace; by the court of appeals which, subject to a review by the supreme court, tries in first instance suits against public functionaries which are privileged, and reviews by way of consultation or appeal sentences pronounced by the judges of primary jurisdiction; and, lastly, by the supreme court, which, in third instance and in cases in which is issued according to law the recourse of petition, concludes criminal causes as the court of last resort.

If the accused is principal defendant and belongs to the military order, he is tried in first instance by a military court, either by verbal process or in writing, according to the lighter or graver character of the offence.

Criminal procedure, divided into its two natural periods of summary and plenary, or preliminary inquiry and trial, is sufficiently expeditious, and causes do not suffer from unnecessary delay.

From the official statistics it would appear that the number of inmates of the prisons notably increased from the year 1871 to 1876. This however is due not to any increase of criminality, but to the fact that the action of justice has been made more effective, and crimes do not now go unpunished as happened formerly. As a matter of fact, since the first named of those years there have been created six additional departmental tribunals, and a court of appeals has been established in the western part of the Republic.





## Book Sixth.

### SOUTH AMERICA.

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#### PART FIRST.

##### UNITED STATES OF COLUMBIA.<sup>1</sup>

##### CHAPTER I. — STATE OF PRISONS IN 1870. — EFFORTS TOWARD REFORM.

SEÑOR CORTES, secretary of legation for the Republic of Columbia, was a member, by special invitation, of the National Prison Congress of Cincinnati in 1870. He was among the most constant, attentive, and interested attendants upon its sessions from the opening to the close. He broke silence but once during its continuance, and then only in response to a special request from the president of the congress, Hon. R. B. Hayes, to address the body. The following is the substance of what he said on that occasion :—

“MR. PRESIDENT, LADIES AND GENTLEMEN, — Availing myself of the privilege you have been good enough to grant me of addressing you, I beg to do so in order to express my deep sense of gratitude for the kindness and regard shown to me during my visit to this congress in which you have admitted me as a member.

“Very little light could I bring to your deliberations regarding the organization and management of the prisons in my native country. The iron rule of Spain left us as a legacy the most tyrannical ideas regarding the management of prisons. A criminal was an outlaw; and hunger, filth, nudity, and insult were his lot. Philanthropists have been struggling for a long time past to change this order of things; and the movement, although slow, is gaining ground. The punishment of death has been abolished for the last nine years, and our national constitution puts a limit to the number of years that a person may be sentenced to imprisonment. The sleeping in separate cells has lately been introduced, and attempts are being made to introduce labor in common. But as a rule our city prisons and country jails are kept in a lamentable state; and if I had time, I could

<sup>1</sup> *Colombia* is the customary mode of spelling with us; but this is really a Spanish word, and as “United States” is English, the name of the country should be so also.

relate to you cases and scenes which would revolt your ideas of enlightened benevolence, and painfully horrify your feelings. In so doing my aim would be to rouse your pity and your interest, that you might secure means to extend to us in a more effective way the advantages of your luminous debates and noble conclusions. Your movement is by its nature cosmopolitan; and you must throw most light in places where darkness is most complete. It was in search of light and knowledge in this matter that I came to hear your deliberations and partake of your social gatherings. I come as a student, not as a teacher. And I hope to tell my countrymen of your good, unselfish deeds. I hope to translate into my native language, and make public, the essays which have been read in this congress, and its debates and its declaration of principles; and if after the reading of them a blow is spared to a poor wretch, more unfortunate than criminal; or if the hardened heart of a brutal jailer is for a moment softened into pity, — then you will acknowledge that my visit to you has not been without its fruit."

M. Cortes carried out the purpose expressed in the closing sentence of his address by translating and publishing in Spanish the more important papers and proceedings of the Cincinnati Congress, including a full account of the Irish Crofton system of prison management. The work was extensively circulated, not only in the Republic of Columbia, but in other South American States. The fruit borne by the Cincinnati Congress in M. Cortes's own country will be apparent in the next chapter, and in other parts of South America from those which will follow.

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CHAPTER II. — DEATH-PENALTY. — MODEL PRISON AT BOGOTÁ.  
 — LABOR. — EDUCATION. — ENCOURAGEMENTS TO PRISONERS.  
 — ORPHAN ASYLUM.

THE Republic of Columbia consists of a number of States united into one Confederation.

The death-penalty is abolished by a provision of the fundamental law. The longest period of imprisonment is ten years. Solitary confinement is not practised, except in the enforcement of discipline and as an initial stage in a progressive system of imprisonment, to be hereafter described. Each State has a penitentiary with workshops, in which the prisoners work in association, without conversation, at the various trades which are taught and practised in the prisons.

A model institution of this kind has been erected in the State of Cundinamarca, at Bogotá. It is called a *panopticon*, being built, like the eastern penitentiary at Philadelphia, in wings radiating from a centre. It is a truly noble work for a country that cannot



be accounted rich. It is well situated, very spacious, thoroughly ventilated, with high ceilings, plenty of light, and other requisites of a well-planned and healthy public building. The convicts are kept in cells during the night, and are kindly treated. Chains and handcuffs are dispensed with.

The prisoners go daily to the workshops, where they learn and practise carpentry, hat-making (straw and palm-leaf), the weaving of carpets from the fibre of the century-plant, and *alpargatas*, a kind of slipper or sandal of the same material worn by the peasants and the laboring poor. The articles so manufactured are sold, and part of the proceeds (proportion not stated) reserved for the prisoners, who receive their allotment on leaving the prison.

A prison school is maintained, in which the illiterate among the prisoners (the larger moiety) learn reading, writing, and arithmetic, with some notions of morality. On Sunday they hear mass in the chapel.

The governor has power to shorten the convict's term of imprisonment by remitting one or more years of his sentence when he has observed good conduct, worked diligently, and been otherwise obedient during the first three or four years.

The orphan asylum in Bogotá is under the care of Sisters of Charity. It is admirably organized and managed as regards order, cleanliness, and the treatment of the children. These are received from the earliest infancy up to fourteen years. The girls are taught the elementary branches of secular learning, and are instructed in the religion of the country as well as in the duties of house-servants, which most of them become on leaving the asylum. The boys are taught the same branches as the girls, and when of a suitable age are apprenticed to learn various trades. The building can accommodate two hundred children. It is always full, and the authorities are enlarging it for the reception of a still greater number of these dependent and helpless little ones.

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### CHAPTER III. — PENAL LEGISLATION. — STATE PENITENTIARY OF BOYACÁ. — INSTRUCTION, SCHOLASTIC AND RELIGIOUS. — UNDER-OFFICERS. — DISCHARGED CONVICTS.

THE object of public punishment, as defined by the law establishing the State penitentiary of Boyacá, is to protect society, prevent crime, and reform the criminal, which latter is to be effected by the use of the following means: imprisonment, instruction, self-control, labor, silence, disciplinary punishments,

and rewards to well-behaved, industrious prisoners. Irons can be used only to prevent or to punish sedition.

A schoolmaster is employed whose duty it is to instruct the prisoners at fixed hours, and, in addition, he acts as assistant-superintendent and book-keeper. The chaplain must keep in view, in his instructions, that society in inflicting punishment has for its primary aim the moral and intellectual improvement of the convict.

The keepers of the prisoners must be artisans capable of teaching some trade in the workshops.

The conduct of the convict is to be watched, as far as possible, after he leaves the institution, and the result noted in the books. When a convict is discharged, a note must be sent to the secretary of state informing him of the fact, and stating what conduct he has observed and what improvements have been noted in him during his incarceration. This note must be published, so that the *alcalde* of the district to which he belongs may report every six months to the prison authorities how he is going on. It is, however, to be noted that the publication of the note to the secretary of state and the reports of the *alcalde* refer only to those who have been conditionally discharged, prior to the expiration of their sentence, as a reward of good conduct, and whom therefore, on misbehavior, the authorities may cause to be returned to prison to serve out their full term.

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#### CHAPTER IV. — PROGRESSIVE SYSTEM DESCRIBED.

THE convicts in the State penitentiary of Boyacá are divided into three classes, as follows :—

1. Prisons in the first class are kept in cellular separation. On entering, every prisoner is locked up in a cell, with a board for a bed, a block of wood for a pillow, and a single blanket. He is allowed to leave the cell to go to the dining-room and chapel, and, if necessary, for exercise and employment in cleaning rooms, etc. The chaplain and superintendent must visit him three times a week, and strive to impress on his mind the necessity and advantages of good conduct and permanent reform. This treatment by cellular separation must continue one month, at least, for those condemned to eight months' imprisonment, and four months for those sentenced for a longer time. At the expiration of this period, if the prisoner's conduct warrant it, he may pass to the third grade in class second. While in the first class he wears a blue coat, and may be distinguished from the other prisoners in

the dining-room by the meanness of his table accommodations and food.

2. The prisoners in the second class are treated on the progressive principle, and are subdivided into three sections, — grade third, grade second, grade first.

On reaching the second class the prisoner puts on a black coat with a conspicuous light-colored cross on the back. In the third grade the cross is entire; in the second it loses the lower arm; in the first it loses the upper arm also, becoming a horizontal bar. Notes are taken every day, and read aloud at the dinner-table, of all who deserve good marks for the day in conduct, labor, and attention to studies. To pass to the second grade the prisoner must have three hundred good marks in each particular.

The second grade of class second offers nothing special, except that it is an advance on the third. Gaining three hundred more good marks in the three particulars, he passes to the first grade.

In the first grade he can engage in conversation in the dining-room. Six hundred marks all round are necessary to put him into the —

3. Third class, called exemplary. Scoring his six hundred days of good behavior, he is enrolled in the exemplary class and puts on a white coat.

He now takes a higher seat in the dining-room and chapel, sleeps no longer in a cell but in a dormitory with his entire class; is permitted to converse in the dining-room and workshops; may be employed as guard or in other offices about the prison, or even be sent out on errands or to work, carrying a passport. When the time he serves in this class amounts to the third part of his term of imprisonment, he may be recommended for pardon, but not before. On leaving the establishment, he receives a sum estimated on a basis of fifteen cents for every week he has served in this class.<sup>1</sup> He receives now special instruction in the school.

Serious misconduct involves, with other punishment, degradation to an inferior grade, loss of good marks, and in the third class loss of the sums gained to date.

A large board is provided and kept in sight of the prisoners, on which, by differently colored fields and pegs, the progress of each man is noted and made apparent.

All this constitutes a noteworthy result of the Cincinnati Congress.

<sup>1</sup> A laborer's wages amount to forty cents a day in Columbia.



## PART SECOND.

## BRAZIL.

CHAPTER V. — POLITICAL CONSTITUTION. — JUDICIARY SYSTEM.  
— GENERAL ADMINISTRATION. — INSPECTION. — INTERNAL ADMINISTRATION.

THE Empire of Brazil is an hereditary, constitutional, and representative monarchy. Its constitution dates from the 24th March, 1824. The parliament is composed of two chambers, — the chamber of deputies whose members are chosen for four years, and the senate whose members hold office for life. This body is recruited by provincial election. The ballots contain three names for each vacancy; and the emperor chooses from among the three candidates the one whom he prefers.

The judiciary power is independent, and is composed of judges and juries, the former holding office for life.

The empire is divided into twenty provinces. The administration of each province is confided to a president, representing the central Government. Every province has a legislative assembly, elected every two years in the same manner as the chamber of deputies. This body legislates on matters purely provincial; its decisions are, in general, subordinated to the sanction of the president, who may confirm or veto them.

In respect to the organization of the judiciary, Brazil is divided into four hundred and eighty jurisdictions (*termos*), corresponding to the same number of municipal judges. Each *termo* comprises one or more municipalities; and one or more *termos* form a *comarca*. There are, in the empire, four hundred *comarcas*, corresponding to as many judges of primary jurisdiction, above which are the courts of appeal (*relações*). These courts of secondary jurisdiction are eleven in number. Their members are chosen by the Government from a list of fifteen of the older judges of primary jurisdiction, and have the title of *desembargadores*. Finally, above the courts of appeal is the supreme tribunal of justice, whose members review on appeal the proceedings of the lower courts, settle questions of jurisdiction, and take cognizance of misdemeanors and crimes committed by the ministers, by the *desembargadores*, the employés of the diplomatic corps, and the bishops and archbishops in matters not special.

Connected with each court of appeal is an attorney of the crown, and with each judge of primary jurisdiction a *promotor*, named by the president of the province.

The penitentiary establishments are in the jurisdiction of the ministry of justice, except those in which punishment for military offences is inflicted. However, the cost of construction and repairs of the buildings and the maintenance of the prisoners is a charge upon the respective provinces.

There is no general inspection of the penitentiaries of the whole empire. The chief of police, who is the authority immediately under the president of the province, is inspector of the prisons of that province.

The agents of the internal administration of the prisons are proposed by the chiefs of the police and approved provisionally by the provincial presidents, but definitively by the minister of justice.

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CHAPTER VI.—CONVICT PRISON.—LABOR.—MORAL AND RELIGIOUS AGENCIES.—PENITENTIARY SYSTEM.—PROGRESSIVE PLAN PROPOSED.—HARD-LABOR PRISONS.

THE only central prison in the whole country is the convict establishment of Fernando de Noronha, on an island two hundred and ninety miles northeast of Recife, capital of the province of Pernambuco. This establishment contains sixteen hundred prisoners, sentenced to hard labor (*travaux forcés*) from all the provinces.

They are divided into twelve large companies or sections, of which eight are engaged in agricultural labors; one at the trades of cooperage, smithery, carpentry, and shoe-making; and the remaining three are employed in the police of the island and the domestic service of the establishment.

All the prisoners receive moral and religious instruction, and have a share in the product of their labor, which is designed to enable them to meet the first expenses of their re-entrance into society after their discharge from prison.

The island is remarkable for the fertility of its soil. The production of Indian corn is prodigious, and the cotton grown there is not inferior to the best sea-island cotton of Georgia and South Carolina.

This great convict establishment was in the jurisdiction of the ministry of war, but by a law of 1877 it was transferred to the ministry of justice, and to-day it is in course of reorganization upon an improved plan. It will continue to be a State-prison, but it will lose the military character formerly given to it.

The other penitentiary establishments are not central or State-prisons, they are intended to receive the convicts of the locality or of the province. Among these establishments are the penitentiaries of Rio de Janeiro and of San Paulo, — the first with two hundred cells, and the second with one hundred and sixty for separation at night, — the workhouse of Bahia, and the detention prison of Recife, capital of the province of Pernambuco. This last contains one hundred and ten cells for three hundred and seventy prisoners, — that is to say, sixty cells for two convicts each and fifty chambers, of which each can accommodate five prisoners. Yet this edifice has cost the province \$ 500,000 (1,000 *contos de reis*).

The system provisionally adopted is that of separation at night and associated labor during the day, under a rigid law of silence. There is not a cellular prison in all the empire.

In 1874 the commission of inspection of the penitentiary of Rio de Janeiro proposed the adoption of a progressive system with the intermediate prison on the Irish plan. These ideas were well received by public opinion, and were even adopted by the minister of justice in his annual report addressed to the general legislative assembly.

In Brazil, as elsewhere, the punishment of hard labor (*galés*) is badly organized. To its inefficiency, from the discipline not being rigorously enforced, is attributed the number (lately increased) of assassinations and other crimes of violence committed by the liberated slaves against their masters and against the superintendents of the plantations (*señores*).<sup>1</sup>

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## CHAPTER VII. — IMPRISONMENT OF SLAVES. — APPOINTMENT OF EMPLOYÉS. — DISCIPLINE. — RELIGIOUS EDUCATION. — PRISON LABOR.

**U**RGED by public opinion, which begins to be directed to this subject, the minister of justice in the month of February of this year (1879) proposed to the chamber of deputies a penal reform as regards the slaves, by replacing hard labor for life (*galés perpetuas*) with the prison for fifteen years, — five years of abso-

<sup>1</sup> Slavery was abolished in principle by the law of the 28th September, 1871. All the children born of slaves after that date are free *ipso jure*. The old slaves may be freed by the generous will of the masters, as often happens, or by means of a national emancipation fund constantly employed to that effect, or through a *peculium* which the slave has been able to lay by for himself, or by contracting their services to third parties. It is hoped that through these several agencies slavery will be completely extinguished in a few years.



lute and continual separation, and ten years of separation at night, and associated labor by day.

But it is believed that this proposition will not be enacted into law. It is incomplete and illogical, in that it leaves under the old and vicious régime the criminal population of free condition, and also in that it follows neither the progressive system nor that of individual separation. The new plan proposed would be inefficacious as applied to the slaves, and even incapable of execution, both on account of the expense and because of the time that would be required in the construction of the buildings, for the reason that by the time such edifices were finished there would be no more criminals of this class.

However, by proposing the new penitentiary method the minister of justice would seem to have resolved the question of the competence of the General Government to establish a uniform discipline for all the prisons of the empire, against the opinion of those who hold that it belongs to each province to adopt the penitentiary system which may have been approved by its own legislative assembly. It is beyond question that the unity of the penal law demands as its logical sequence uniformity in the penitentiary system of the country where there is but a single criminal code, since the execution of the penalty is a part of the penalty itself.

The employés of the prisons are named by the provincial presidents, except the director of the penitentiary at the capital of the empire and that of the central establishment on the island of Fernando Noronha, whose appointment belongs to the minister of justice.

The appointment of these employés does not depend upon political influence, nor is any professional education required of them. Their tenure of office is during good behavior.

The discipline is intended to be both deterrent and reformatory. The convicts are divided into three classes according to their conduct. The hope of promotion to a higher class, and of being recommended to the clemency of the emperor, has a strong influence on the larger part of the prisoners to hold them to a right conduct.

The disciplinary punishments are confinement in a cell, light or darkened, reduction of rations, degradation to a lower class, privation of visits and correspondence, and the application of irons.

Religious instruction is given by chaplains. Ministers of all religions are admitted. The visits of relatives, friends, and charitable persons are permitted. The effect of these several agencies is found in general to be good.<sup>1</sup>

<sup>1</sup> The constitution recognizes the Catholic religion as the religion of the State. Nevertheless, all other religions are permitted, but the buildings designed for their

Intellectual instruction is limited to reading, writing, and the elements of arithmetic and of the national language. To the prisoners is permitted the reading of books which are found in the prison libraries.

The number of female convicts is greatly below that of male prisoners.

There is no penal labor in the Brazilian prisons. Whether optional or obligatory according to the sentence, the labor is always industrial. In general it is not "hard labor" in the sense of being painful. It is employed in the trades of shoemaking, smithery, tin-ware, marble-polishing, tailoring, book-binding, carpentry, joinery, lock-smithery, etc. The convicts are also employed on public works, in quarrying and stone-cutting, in the labor of the fields, and in fishing, — as on the island of Fernando de Noronha. All this labor is directed by the administration. The contract system is unknown in Brazil. The labor is productive, especially in the penitentiary of Rio de Janeiro; but the product is never sufficient to meet the expense.

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#### CHAPTER VIII. — HYGIENE. — SENTENCES AND THEIR CONSEQUENTS. — DEATH-PENALTY. — AID TO LIBERATED PRISONERS.

AS a general thing the health of the convicts is good. The food, clothing, ventilation, and cleanliness of person and buildings vary in different provinces. There is no uniformity in these conditions. The climate does not require any artificial heating. The method of lighting the prisons varies, — gas, kerosene, and oil being all employed therein.

Life-penalties are hard labor (*galés*) and reclusion (*prisao com-trabalho*). Temporary punishments are hard labor for one year to twenty years, reclusion from two months to twenty years, and simple imprisonment from five days to two years.

Prisoners sentenced to hard labor for life are employed on public works at the discretion of the president of the province. Those sentenced to reclusion for life are held to labor in the interior of the prisons. Persons sentenced to simple imprisonment work if they wish it; otherwise, not. It is to be presumed that if they work, the entire net profit of their labor inures to their own profit.

The punishment of reclusion for life or of imprisonment with obligation to labor is applied to certain crimes against the inde-

worship must not take on the exterior form of churches. Nobody can be persecuted on religious grounds, and the marriages of non-Catholics are respected in all their legal effects.

pendence of the nation, against the constitution of the empire, against the head of the Government, or against the public safety and tranquillity.

The penalty of hard labor for life (*galés perpetuas*) is applied to the crimes of insurrection, of homicide, of piracy, and of perjury in a case where conviction would involve capital punishment. A reconviction for the crime of counterfeiting is punished with a sentence of hard labor for life, to be undergone in the convict prison of Fernando de Noronha.

Short sentences are often given in punishment of trivial offences; but it has been observed that the frequent repetition of such sentences, so far from having any tendency to improve those to whom they are given, on the contrary tend to habituate them to criminal acts, and to dispose them to the commission of graver offences.

As a general rule, sentences for life are not terminated by the death of those so condemned. Very often they are reduced to twenty or even to fifteen years by the clemency of the emperor. These reductions are not subject to fixed rules. They are pardons which have been long in use, and are granted according to the judgment of the executive power, which is exercised by the emperor exclusively.

The death-penalty is, by the code, applicable in cases of insurrection, of homicide in the commission of theft or aggravated by circumstances, of incendiarism, of poisoning, of abuse of trust, of lying in wait, of breaking into or even attempting to break into the house of the injured party, or when this latter was father or had some other ground of pre-eminence and authority over the offender. But in order to convict in such cases an absolute unanimity is required on the part of the twelve jurors who form the jury tribunal.

It is long since this penalty has been executed, and it is never pronounced upon persons under twenty-one years. In no case is it executed without a previous application for pardon, officially presented by the president of the tribunal which pronounced the sentence.

As a general and indeed almost invariable rule, the death-penalty is commuted by the emperor into that of hard labor for life (*galés perpetuas*).

Patronage societies do not exist in Brazil; but mention is made of special cases of charitable intervention by individuals, or of successful efforts on the part of prison directors in securing places for liberated prisoners.



CHAPTER IX. — TYPE OF CRIME. — PREVENTIVE INSTITUTIONS.  
— NO PRISON CODE. — NO GENERAL SYSTEM. — PROGRESSIVE SYSTEM FAVORED.

THE prevailing type of crime in Brazil is that against the person ; thefts and other crimes against property are much fewer in number. The principal causes of crime are want of education and bad passions. Quite the reverse of what is observed in countries thickly peopled, misery has little to do with it.

According to the penal code, minors under fourteen years are not found guilty ; but if they have committed crime *with knowledge* they are to be sent to correctional establishments till the age of eighteen years. If the delinquent is more than fourteen and less than seventeen, the judge *may* apply to him the ordinary punishment with a diminution of one third of its duration. In any case, minors under twenty-one years are always considered as acting under mitigating circumstances.

But there are in Brazil no correctional establishments for those of the first category mentioned in the preceding paragraph, though their existence is presupposed by the penal law. Special prisons are also wanting for delinquents under seventeen years, who ought not to be placed with old convicts.

There are, however, professional schools for deserted or unfortunate children, some of which establishments are maintained by the State, as the asylum founded in 1875 at the Villa Isabel (Rio de Janeiro) for three hundred children, where they receive intellectual, professional, moral, and religious instruction. They learn the trades of tailor, shoemaker, joiner, locksmith, and also instrumental music. In the environs of Rio de Janeiro there is likewise an agricultural asylum for deserted children founded by the Agricultural Institute ; and in the province of Pernambuco, the Colony Isabel. There are other similar institutions due wholly to private initiative,—as the asylum of Doña Anna Rosa in the city of San Paulo, and the domestic school in the city of Petropolis,—the last an important establishment for the professional, moral, and religious education of poor young girls, due to the Christian zeal of a Brazilian priest. There have been established in different parts of the country a number of agricultural colonies for destitute orphans.

As regards the young vagrants who infested the populous city of Rio de Janeiro, measures have recently been taken to place them with the superintendents of plantations, who employ them in the labors of their establishments, requiring them at the same time to form a *peculium*,—a little fund for themselves against the

time of need. More than five hundred of these little vagabonds have thus, within the space of a year, been sent on to the plantations by the orphans' court of Rio de Janeiro.

There is a class of unfortunate little children who require all the protection of the powers of the State,—it is the children of the slaves who since the law of 1871 are free. Some members of the chamber of deputies have introduced a bill, which has had its first reading, authorizing the Government to establish in all the provinces agricultural colonies, and to aid those which may have been founded by private initiative for the education of these minors. But in none of the establishments just mentioned—a circumstance to be much regretted—has there been any attempt to introduce the family system or the division into groups.

Brazil has no prison code. The penitentiaries of Rio de Janeiro and of San Paulo are conducted upon the Auburn system; that is, of separation by night and associated labor during the day. This system, adopted provisionally and by way of experiment, has not given satisfaction.

The idea is entertained in Brazil that for trivial offences (*contraventions*) it would be better to adopt the system of pecuniary penalties or fines; for offences of which the punishment does not exceed a year in duration, cellular separation in all its rigors, thus giving prominence to the element of intimidation; and for the graver crimes, the progressive system agreeably to the Irish method.

In 1874 the board of inspectors of the penitentiary of Rio de Janeiro proposed that the punishment of privation of liberty should be divided into different stages according to the conduct of the prisoner, from the greatest severity to conditional liberty; that is to say, a penal stage of cellular separation, a reformatory stage subdivided into classes to be regulated by good marks, a probationary or testing stage between the prison and society, and a stage of conditional but revocable pardon, to be the final stage if the conduct of the prisoner remains always irreproachable.

The penal code of Brazil, though adopted in 1830, does not in the least oppose itself to the introduction of the system outlined in the preceding paragraph. It is well known and appreciated even by foreigners, and has undergone but few modifications since its original adoption, especially in that part which relates to general principles.

## PART THIRD.

## PERU.

## CHAPTER X. — HISTORICAL RÉSUMÉ.

VERY soon after her emancipation from Spain, Peru began to think of establishing a penitentiary system in harmony with her new civil constitution.

On the 9th November, 1825, the Council of State (executive power) resolved to establish a house of correction at Lima, in which should be erected workshops for the exercise of divers arts and trades. The idea however remained dormant,—a mere conception,—till the year 1853. Taking advantage of a visit made that year to the United States by M. Felipe Paz-Soldan, the Peruvian Government commissioned him to visit the prisons of that country and to make a general report on its penitentiary system.

On his return to Peru, M. Paz-Soldan presented to the Government a report in which he passed in review whatever, far or near, had relation to penitentiary establishments. The illustrious President of the Republic, General Ramon Castillo, gave orders without delay to carry into effect the plans proposed by M. Paz-Soldan in his report. On the 20th October, 1855, the president confided to the author of the report the task of erecting a penitentiary, which was completed and inaugurated with much solemnity in the month of July, 1862. In August following, the first prisoners were committed to the establishment.

The rules and regulations of this institution, drawn up by M. Paz-Soldan, received the sanction of the executive power in 1863. This gentleman, named director of the penitentiary, continued to discharge the duties of that office till the year 1867, when he was succeeded therein by Dr. Thomas Lama.

On assuming his new charge, Dr. Lama expressed himself as not satisfied with the condition of the penitentiary. In a report made thereupon, he declared it as his opinion that the larger part of the prisoners there undergoing their punishment were more unfortunate than criminal, and that their offences against society were to be ascribed rather to bad education than to any deep corruption or vicious instincts. Dr. Lama was so convinced of this that he recommended the use of a mild discipline towards them, believing that it would be more efficacious than a rigorous



one; though, at the same time, excepting from this treatment a certain number of prisoners whom he thought it necessary to separate absolutely from the others.

At the opening of the penitentiary there were received thirty-three prisoners, and by the end of the same year the number had risen to sixty-three.

Since then the maximum number of prisoners at any one time has been three hundred and seven. It must be borne in mind that there is in Peru no other penitentiary than that of Lima. Prior to the completion of this establishment, convicts had been sent to the municipal prison of Guadalupe, where they were kept during the whole time of their imprisonment.

As regards the nationality of the convicts, it is generally in exact proportion to the number of the different foreign populations resident in Peru. Of course, Peruvians are much the most numerous.

Of the crimes committed in Peru homicide, unhappily, occupies the first place in her criminal statistics; but it is to be remembered that it is also the crime most easily proved.

In résumé, it may be said that Peru has a penitentiary building of the first order, which is recognized as being one of the best of its kind to be anywhere found. The system of associated labor by day and cellular separation at night is claimed to be the only one that can be successfully applied in Peru. If her penitentiary system leaves something to be desired in regard of its discipline, it is none the less superior in all respects to that which existed in that country prior to 1862, and to all that South America had inherited from its conquerors.

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#### CHAPTER XI. — PENITENTIARY OF LIMA. — PRISON SYSTEM. — LABOR. — RESULTS.

IT has been seen that when Peru had once entered upon the path of penitentiary reform, she pursued it with intelligence and zeal. M. Paz-Soldan, founder and organizer of the penitentiary of Lima — a very able man — was placed and continued in charge of its administration from 1862 to 1867, when, being removed to a higher post in the Government, he was succeeded by Dr. Thomas Lama, a most excellent man and competent administrator, who put not only head and hand, but also his whole heart into the work. It has been stated that, notwithstanding the ability of his predecessor, he did not find the state of things altogether to his mind on his accession to the directorship. Above all, he

sought to introduce more of the moral element into the discipline of the prison, and to make moral forces effective in the maintenance of order and the promotion of industry. His study of the prisoners produced in him the conviction, as stated in the last chapter, that the greater part of the convicts had fallen into crime more from the lack of a proper education than from an inborn proclivity in that direction. In a report made to the Government in 1870 he declared that he found a proof of the correctness of this opinion in the fact that, during the two-and-a-half years of his administration, he had so far had occasion to punish few offences of a grave character; but that, on the contrary, he had had occasion to observe in many of the prisoners acts which showed them to be men of heart, — men susceptible to good as well as evil impressions; men capable of becoming good fathers and good citizens. He further attests it as a noteworthy fact, that the prisoners are moved to this good and obedient conduct far less by the rigors of repression and the severities of discipline than by the docility of their nature and the confidence inspired in them by his own disposition to alleviate their situation so far as might be compatible with the stern duties of the position which he held. In that view, he says, his habit was to visit them as often as possible in the workshops, in their cells, or wherever else they might be employed, to afford them the opportunity of making known their necessities and complaints, to which he always endeavored to apply a remedy so far as in him lay.

The report of Dr. Lama bears date July 13, 1870; but a later report, dated June 16, 1876, and signed by M. Aurelio Villaran as director, was also sent me by the Peruvian Government. In my further account of the penitentiary at Lima, I shall feel at liberty to draw indiscriminately upon both these reports without special citation.

Both the gentlemen named agree in regarding skilled labor, certainly without excluding other essential agencies, as lying at the root of the individual reformation of criminals; and to the effective organization of such labor their most earnest efforts were directed. These exertions have been so wisely and successfully employed, that M. Villaran expresses the confident hope that within a period not far distant the income from the labor of the convicts will be sufficient to meet all current expenses. In each workshop the labor has been thoroughly organized; for each a tariff has been prepared in which is set down the remuneration that every prisoner is to receive for every piece or object made by him, — so that he knows what is coming to him, as well by the tariff as by a little book which is given to him, showing his share of the product of his labor month by month. This plan has proved of the greatest utility in stimulating the prisoners to industry and in augmenting the product of their labor. While work

is thus regarded as a most effective agency in the moral improvement of the prisoner, it is considered no less necessary that he have the stimulus of profit to be derived from it, thus assuring him of some provision against the time of his discharge, and protecting him from that utter destitution which is so often the occasion of crime. Several exhibitions of the product of the prisoners' labor have been held,—one of which, celebrated on the anniversary of the national independence, is quite fully described by Dr. Lama. Among the articles on exhibition were several pieces of furniture, some carved and others inlaid, of exquisite taste and finish; clothing of all kinds, suited to the use of gentlemen as well as laborers; shoes of every pattern; tin and pewter ware for domestic use, some articles of which were invented by the prisoners, as for example a vessel for boiling milk without risk of spilling it; straw hats that would rival those of Guayaquil; bouquets of artificial flowers admirably wrought; and a thousand other articles and curiosities which afforded the best proof of the intelligence and industry of the prisoners. There was also placed on exhibition the chapel of the penitentiary, which had just been painted in fresco by two of the prisoners, whose work won the approval of the best artists.

In concluding his description, Dr. Lama remarks that the opponents of the penitentiary system, who have so little faith in the moral regeneration of the criminal, would have found potent reasons for changing their opinion in presence of the articles so exquisitely wrought by these wretched beings snatched perhaps from the gibbet, or at least from the chain of the galleys, and who, regenerated by means of labor and converted into useful and industrious men, will for the most part return as worthy citizens to the society which cast them out from her bosom in punishment of their crimes.

After the retirement of Dr. Lama, the order and discipline of the penitentiary fell into confusion; but on the accession of Dr. Gadea to the directorship an important reform was effected therein, though such reform was not complete, owing especially to the easy communication between the prison yards, which were afterwards absolutely separated, so that no communication could be had between them. In 1876 M. Villaran reported, that in so far as the prisoners were concerned complete subordination and obedience to rule had been assured, and that in respect of the staff such reforms had been effected as to secure a more regular movement and a more active and efficacious supervision.

In the department of instruction constant effort has been made for the intellectual advancement of the prisoners. An employé, who had previously discharged the function of professor, together with one of the guards, is exclusively employed in giving instruction. He has also two assistants, taken from among the prison-



ers, to aid in the department of primary instruction, who are rewarded with a moderate gratification.

Instruction is both obligatory and voluntary. It is obligatory for those prisoners who enter the establishment with little or no education; voluntary for those who come to it with the requisite instruction. The average number of attendants at school is about fifty, who have an hour in the morning and another in the evening. Besides this, on festival days they are in attendance from mid-day to three in the afternoon, when they receive lessons on special subjects. The obligatory branches are reading, writing, arithmetic, and the Spanish grammar. The voluntary are moral science, geography, natural history, the history of Peru, and some other courses. As regards the female prisoners, instruction is made obligatory. They are taught by the matron reading, writing, and Christian doctrine, dedicating to such instruction Sundays and feast days, as the nature of their work does not permit them to do it daily. In requital, various oral lessons are daily given to them after prayers and before being shut up separately in their cells.

The sanitary state of the prison is reported as good.

The staff is considered by M. Villaran as a branch of the highest significance in a penitentiary, since if prison employes must in general unite very special conditions and be subjected to an apprenticeship and attain to a knowledge which only practice can give them, they must in particular have in Peru qualities rarely found united in a single individual, since it is very seldom that a person robust, educated, and of the proper age is willing to become an employé in a penitentiary. Therefore, to secure the right men for this service and retain them therein, M. Villaran thinks that the supreme government should not only increase their compensation, but also establish for them a system of pensions, as in the case of officers in other departments of the public service.

A large proportion of the prisoners discharged are reported as reformed, and the number of relapses and reconvictions as proportionably small; at least Dr. Lama reports such to have been the case under his administration.

## PART FOURTH.

## ARGENTINE REPUBLIC.

## CHAPTER XII.—ADMINISTRATION OF CRIMINAL JUSTICE.

I HAVE received a communication from an American gentleman of high intelligence and culture, who has been for many years a resident of the Republic under circumstances which afforded him large opportunity for studying its institutions of all kinds ; and he would seem to have improved his opportunity to the utmost. His essay is largely taken up with an exposition of the judicial system of the country, both civil and criminal,—an exposition at once broadly comprehensive and profoundly interesting, but not quite suited to the nature and design of this work. I must therefore confine myself to the briefest analysis, and that only in one of its relations,—the administration of criminal justice.

The courts that deal with criminality are of three kinds,—criminal, correctional, and police. The first have to do with the graver crimes ; the second with minor offences ; the third with peccadilloes that may be dealt with summarily, being punished by small fines or short detentions. There are numerous police officers in the cities and justices of the peace in the country, who rule with almost despotic sway, and are as so many satraps appointed by the executive government more for political purposes than for their merits or abilities as criminal officers.

My correspondent goes into an extended detail of the *sumario*, or preliminary proceedings in criminal cases, and the *plenario*, or final proceedings on the trial, with the subsequent conviction and judgment. The result is that criminal procedure is slow and vexatious in the extreme, often in a given case lasting for years ; so that not unfrequently the preliminary detention is of longer duration than the penal imprisonment. The constitution of the Republic provides for *habeas corpus*, trial by jury, and a speedy administration of justice ; but the national legislature has failed to enact the necessary laws to carry these provisions into effect. My correspondent cites an article from a Buenos Ayres journal, under the heading, “Is Justice a Farce with us ?” in which the editor remarks : “The most glaring defect of the Argentine Republic is its judiciary. We do not mean that its *personnel* is cor-

rupt, but that its administration is inexcusably tedious, unequal, cruel, and unjust; that it tramples upon the constitution of the Republic and on the commonest rights of man,"—with much more to the like effect.

Imprisonment for debt still exists, under certain limitations; but these are not so stringent but that grave wrong is often done to the bankrupt debtor under the administration of the law as it exists.

My informant goes into a detailed statement of the acts made criminal by the Argentine code, which is largely copied from that of Edward Livingston, together with the penalties annexed to each. However interesting to criminalists, these details would be wearying to the general reader; nor do they exactly fall in with the main purpose of the present work. The death-penalty is awarded for murder and parricide.

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### CHAPTER XIII. — DETENTION PRISONS.

THERE are two classes of prisons in the Argentine Republic, — detention prisons and penitentiaries, which are also, under certain circumstances, prisons of detention. Words are almost inadequate to characterize the horrible dens which are used for those who are detained pending an inquiry, or who are sentenced for a few days' detention for the infringement of police or municipal regulations. In these the prisoners are herded together like cattle in a corral, and there is hardly a more pitiable sight than the unfortunates who are incarcerated therein. Foul and blasphemous language, indecent exposures, all sorts of pollution, offend the eye and the ear on every side; and, what adds to the horror, the innocent under accusation and the young in crime are compelled to associate with the most reckless and abandoned characters. One can readily imagine the result.

The prison connected with the correctional court of Buenos Ayres exhibits a little more tidiness, but the apartments into which the criminals are crowded are arranged with huge iron bars in front, like cages for wild animals; and one cannot look at the haggard faces behind these latticed railings without shuddering at the inhumanity with which the inmates are treated. It can well be believed that "who enters here may leave hope behind." It is into these dens also that bankrupt traders, if bail is not forthcoming within three days, are transferred, and where, by paying smartly for the privilege, a share of a room can be obtained, — in which, perhaps, half-a-dozen others are also locked



up. The food of the prisoners consists generally of a soup or *caldo* with bread for breakfast, and a *pochero* (meat stewed with vegetables) for dinner.

I could wish that there were no common jails in the United States which might serve as companion-pieces to these prisons; but, alas! there are too many to which the above description would substantially apply,—even in some cases including the iron cage similar to those which one sees in a menagerie.

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#### CHAPTER XIV.—PENITENTIARY OF BUENOS AYRES.

IN striking contrast with the prisons described in the last chapter is the penitentiary of the province of Buenos Ayres, located about two miles north of that city. In size, architecture, arrangements, general completeness, comfort, and administration it will compare favorably with any prison of its class in the United States. It is really a model prison, and its discipline is all that could be desired. Prisoners under sentence are obliged to learn a trade or work at some handicraft, and the work turned out by them is generally of excellent quality. Those who are detained here awaiting trial are subject to the general prison discipline, but are well treated and have no tasks to perform. The cells are neatly and comfortably furnished, capable of holding two persons if necessary, and are so arranged that the guards stationed at the central “chapel,” from which the several corridors radiate, have a complete view of the entire prison.



## Book Seventh.

### OTHER COUNTRIES.

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#### PART FIRST.

##### HAWAII.

##### CHAPTER I. — HISTORICAL SKETCH.

THE kingdom of Hawaii, — originally known to civilized nations as the Sandwich Islands, a large and important group in the Pacific Ocean, — is one of the youngest among the family of States ; yet to-day it is not the least advanced of the sisterhood in penitentiary science and practice. When the writer was a youth in college the Sandwich Islanders were still a community of savage idolaters ; though, strange to say, when the first Christian missionaries reached their shores (about 1820) they had already, doubtless through a divine impulse, renounced idolatry, destroyed their idols, and were prepared for the announcement of the true religion which reveals the one supreme and only God. There are now lying on my table four distinct prison Acts, passed within the last few years by the Hawaiian Government and approved by the king, which, though containing some things not sanctioned by penitentiary science (as night-cells for two prisoners instead of one) are yet in the main the result of an earnest and wise study of the penitentiary question. Considering that Hawaii has had an organized government only thirty-six years, her prison administration may be said to compare favorably with those of older and more experienced States.

Special credit is due to the Hawaiian Government for the zeal and energy of its efforts to save the children and youth of the country from a first plunge into crime. In these efforts it has acted upon the avowed principle that the best way to provide for the State a body of upright and laborious citizens is to train the children in the ways of virtue and industry. That this is true will be readily seen in what follows.



## CHAPTER II. — PRISON SYSTEM. •

THERE is a State-prison at Honolulu, on the island of Oahu, built of stone, two stories in height, each cell being intended for the occupancy of two inmates. To this are sent all prisoners convicted of serious offences. There is also at Honolulu a lock-up for the detention of deserters from ships of foreign countries having treaty stipulations with Hawaii.

Small prisons are found in Oahu and all the other islands, to which persons are committed for minor offences on short sentences.

The Auburn system of imprisonment is the one practised at the State penitentiary, — associated labor by day and cellular separation at night, — with two convicts however in each cell. The principle of progressive classification is not in use. The daily average number of prisoners in 1877 was forty-four males and three females, of whom twelve were Chinamen and seven Europeans.

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## CHAPTER III. — PRISON ADMINISTRATION.

THE penitentiary administration is in the hands of the marshal of the kingdom, who appoints all officers with the approval of the minister of the interior. The employés hold office at the pleasure of the marshal. Political influence has nothing to do with their appointment or dismissal. They are selected solely on the ground of qualification and merit. The qualification required is that the appointee be a man of sobriety, honesty, and good moral habits ; also, that he be able to speak the Hawaiian as well as the English language. No school exists for the professional education of prison officers, but the marshal is of opinion that such special education is necessary to the full success of the penal administration. The prisons in Honolulu are inspected weekly by the marshal, and on the several islands by their respective sheriffs.

The chief of the administration appears to be a gentleman thoroughly devoted to his work and every way equal to its duties. The inspection of the Honolulu prisons is faithful and effective, and on the other islands seems fairly good.

## CHAPTER IV. — DISCIPLINE.

THE discipline is intended to be both deterrent and reformatory,—the latter more than the former. Encouragements and rewards are most relied upon in its administration. It is sought to implant hope in the breast of the criminal through benefits to be obtained by his observance of the rules of the prison. By this means each prisoner can earn a certain diminution of his sentence. It is seldom necessary to administer punishment. Attempts to escape are not frequent. The prisoner after breaking jail cannot get away from the islands, and cannot find subsistence on the mountains.

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## CHAPTER V.—RELIGIOUS, MORAL, AND EDUCATIONAL AGENCIES.

THE prisons are provided with chaplains who hold religious services for the benefit of the prisoners. Discreet Christian persons, irrespective of creeds, are permitted to visit the penitentiary in Honolulu on Sunday and hold conversation with the prisoners on moral and religious subjects. The prisoners are also allowed, under surveillance, to correspond with and receive visits from their friends. The moral effect of both is found beneficial.

In point of education the criminals compare favorably with the non-criminal population ; and it is stated regretfully that some of the best educated Hawaiians are occasionally found in the penitentiary. The prisoners are supplied with books and newspapers ; but there are no schools for those over fifteen years of age, and those under that age are sent to the reformatory to be hereafter noticed.

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## CHAPTER VI.—PRISON LABOR.—PRISON HYGIENE.

THERE is no penal labor in the technical sense in the Hawaiian prisons. All male prisoners are employed on the roads or on other government works. No trades are carried on in the prisons, and no prisoners are put out to contractors ; the

administration manages the labor. The labor of the prisoners does not pay the expenses of the prisons, but it would do so if it were paid for at current wages.

The health of the prisoners is good. The diet is the native food of the kingdom, —kalo, with fish, bread, and tea, and to foreigners beef, bread, rice, and tea, with vegetables and soup. Each person is obliged to bathe in cold water every day. As the climate is tropical, no heating of the buildings is required. The penitentiary is kept thoroughly clean, and the cells are white-washed every three months. The death-rate is about two per cent per annum. No sickness of any kind is prevalent. The ventilation is perfect. The prison stands on a slight elevation and is open to the full force of the trade or north-east winds, so that a perfect ventilation is kept up throughout the building.

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CHAPTER VII. — SENTENCES. — EXECUTIVE CLEMENCY. —  
DEATH-PENALTY. — IMPRISONMENT FOR DEBT.

VERY few persons are sentenced for life, — only about one per cent. There have been but three cases in the past twenty-seven years, and in each death occurred after fifteen years of imprisonment.

It is not the practice to give repeated short sentences for minor offences; but when persons are convicted for the second time the punishment is increased, and this practice it is found tends to diminish crime. Executive clemency is exercised by and with the advice of the privy council of State. Life-sentences have never been commuted, and only in one or two instances has the death-penalty been commuted to life-imprisonment. Minor offences have been frequently pardoned. General considerations and the recommendation of the judges and of the prison authorities are the potential reasons which move the king and privy council to the exercise of clemency.

The death-penalty is in force for murder; and the criminal code authorizes it for arson of a dwelling-house having inmates at the time of firing said dwelling, and for rape committed on a female under ten years of age. Public opinion is in favor of this penalty. It has never been inflicted except in flagrant cases of murder.

Imprisonment for debt exists under the following circumstances: If any person undertakes to leave the kingdom without paying his just debts, he can be arrested and committed to prison until he give bonds not to leave until he has satisfied his creditor.



During his imprisonment he is not treated as a criminal, but has good quarters and such food found him as he wishes. There is no imprisonment for debt under any other circumstances.

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#### CHAPTER VIII. — RECIDIVISTS. — DISCHARGED PRISONERS. — WITNESSES.

ONLY about five per cent of the prisoners discharged from the penitentiary ever return to it. Every thing is done that can be to bring them to a better mind and a better life during their incarceration, by lessening their term of imprisonment for good behavior, and by religious and moral influences brought to bear upon them.

No prisoners'-aid societies exist; but on their release the authorities of the prison endeavor to find for them remunerative employment.

Witnesses in criminal cases are committed to prison, unless they find bail to appear at the trial; but they are not treated as criminals. They are allowed to go out every day in charge of an officer.

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#### CHAPTER IX. — REFORMATORY INSTITUTION.

A BOYS' industrial reformatory was established some years ago, under an Act of the legislature passed in 1865. It is administered by the board of education. It is the only institution of the kind in the kingdom. Its object is to provide for the maintenance and education of helpless and neglected children, and the reformation of juvenile offenders. The inmates are instructed in all the elementary branches of education; and are put out to learn trades as opportunity offers. They remain under the care and supervision of the board of education during their apprenticeship. That the institution has conducted materially to ameliorate the condition and promote the welfare of many whose circumstances would otherwise have doomed them to a deplorable and perhaps criminal existence, there is no doubt. Yet, owing perhaps to its limited accommodations and the scanty means at the disposal of the Government, the benefit hoped for has only in part been realized; but it is confidently expected that as experience in its management shall be gained, its usefulness

as a public institution will be enhanced. So far only boys have been provided for.

Since the establishment of this reformatory at Kapalama, two hundred and fifty-six inmates have been committed, and fifty boys are there at the present time.

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## CHAPTER X. — PREVENTIVE AGENCIES.

THE whole common-school system of the kingdom, it is claimed, is strongly preventive of crime, both in operation and effect, in principle and fact. Schooling is compulsory. All children, native and foreign, are obliged to attend school. The policy of the Government is, through the public schools, to implant and foster industrious habits, and by that means to prevent crime as much as possible. The Government itself formally avows that it knows no better way to bring up the young than to teach them to earn an honest living; no surer method to train them to virtue than that of training them to industry. To this end a liberal Act was passed by the legislature in 1874 entitled: "An Act to promote agricultural and industrial pursuits in the public schools of the kingdom." This Act requires: 1. That such pursuits be introduced among the branches to be taught in these schools. 2. It charges the board of education with the execution of this intent. 3. It authorizes the board to use, free of rent, as much of the government land as may be advantageously cultivated by the teachers and pupils of any public school. 4. Whenever it shall think best, the board is authorized to acquire other than government land for the same purpose. 5. All profits accruing from such labor the board must cause to be equitably divided among the teachers and pupils by whose labor they were produced. 6. All laws, now in force or hereafter enacted, relating to the public schools of the kingdom, are, in their operation, to be construed to include the enforcement of this Act in relation to agricultural and industrial pursuits in said schools.

Verily, the oldest nations in the world have something to learn from the youngest, — a nation which only sixty years ago, less than two generations, was but a horde of wild and degraded savages!

## PART SECOND.

## LIBERIA.

## CHAPTER XI. — COMMON JAIL. — RELIGIOUS AGENCIES. — CHARACTER OF CRIME. — NO PRISON SCHOOLS OR LIBRARIES. — LECTURES.

LIBERIA has a common jail at Monrovia on the cellular plan, under the direction of the sheriff. The sheriff and jailer are appointed by the President of the Republic biennially, the senate consenting.

There is no prescribed discipline, but clergymen and others endeavor to inspire the prisoners with hope, and produce religious impressions. Visits from friends are freely allowed and with salutary results.

•The large majority of prisoners are aborigines, and are incarcerated for theft. More than nine-tenths are males. The prison has neither schools nor libraries. In some instances regular, but mostly occasional, voluntary lectures are delivered.

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CHAPTER XII. — LABOR. — HYGIENE. — SENTENCES.

ONLY industrial labor is employed, penal labor being unknown. The labor has generally been managed by the administration, though the system of letting out to contractors has been employed to advantage, and found more remunerative. The prison labor is less than fifty per cent of the current expenses of the prison.

Notwithstanding the prison lacks efficiency in sanitary provisions, the prisoners are provided when sick with medical attention, and are furnished with plain and substantial food. A sympathetic public also provides many comforts for the inmates. The prisoners are generally admitted in tolerably good health, and when the confinement becomes very deleterious they are commonly discharged; so that despite the deficiency in sanitary regulations a death in prison or soon after release therefrom



is a rare occurrence. Five years is the average sentence less than life.

As most of the imprisonment is for larceny, the convicts are required, in default of the payment of twofold the property stolen and cost of suit, to liquidate the amount by penal servitude at the rate of twenty-five cents per diem, the exact amount allowed the sheriff for his ordinary expenses, so that from six to eighteen months is the average duration of imprisonment. Occasionally there is a case of murder, manslaughter, forgery, or rape, as well as breaches of the peace and violation of the license law.

The punishment is increased for repeated violations of law. Life-sentences are usually ended by death, unless there are extenuating circumstances, to which the attention of the executive is usually called by the court or community, or both, when it is commuted to imprisonment for life, or a full pardon is granted.

The death-penalty is pronounced in cases of murder; public opinion approves it in clear cases.

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#### CHAPTER XIII. — IMPRISONMENT FOR DEBT. — REFORMATION. — DETERRENCE. — NO AID SOCIETIES. — WITNESSES.

**I**MPRISONMENT for debt is *de facto* a dead letter. Public opinion is against the practice.

It cannot be asserted that reformatory treatment is made a primary object in the prison administration, though that is the expressed object of the law. A goodly proportion of the Americo-Liberian prisoners are restored to citizenship, and the majority of all classes become more cautious after incarceration, and some become worthy members of society.

There are no societies for liberated prisoners; but there is a public feeling to encourage the erring to reform.

There is seldom any necessity to use compulsory process to secure the attendance of witnesses. When necessity requires, depositions are taken, both parties being present. A contumacious witness may be imprisoned in the discretion of the judge.

CHAPTER XIV. — CHARACTER OF CRIME. — NO REFORMATORY INSTITUTIONS. — GOVERNMENT NOT SATISFIED. — ADMINISTRATION OF CRIMINAL JUSTICE.

THE prevailing crime is larceny, consequent upon heathenism. A heathen thinks it no harm to steal, provided he escapes detection.

There is nothing in the way of preventive and reformatory institutions further than the day and Sunday schools, and the apprentice system exercised by the probate court.

The Government is not satisfied with the present state of things. It desires a more general diffusion of knowledge; greater incentives to industry, and a better system of prison administration; but these things demand more means than it has at command.

Criminal justice is administered according to statute law, supplemented by the common law in its proceedings and practices, with a view to supply all deficiencies in the statutes, so far as the common law is applicable according to the Constitution.

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CHAPTER XV. — ADDITIONAL ITEMS ON LIBERIAN PRISONS.

THE information contained in the preceding chapters was furnished by the secretary of state; what follows was communicated by the attorney-general. As a general rule the penalties in force in Liberia are those laid down in Blackstone, by Chitty or Wendell; but there are special statutes passed by the legislature for the punishment of piracy, grand and petit larceny, and setting spring-guns, as well as those relating to the revenue and postal departments.

The penalty of death is inflicted for homicide, piracy, and treason. Corporal punishment is inflicted for both degrees of larceny.

The courts of quarter-sessions and common pleas have jurisdiction in all criminal cases above petit larceny, which is dealt with by the justice's court. There is a supreme court, consisting of three judges.

The most common crimes are homicide and larceny; the former is on the increase compared with colonial times, but other crimes are not more frequent.

There are four structures in Liberia called prisons, but the only one deserving the name is that at Monrovia, which, although a rough-looking structure, is kept in good condition.

## PART THIRD.

## EMPIRE OF MOROCCO.

## CHAPTER XVI. — ADMINISTRATION OF CRIMINAL JUSTICE.

REFORMATORY institutions for the prevention of crime in the young have no existence in Morocco.

The administration of criminal justice is radically bad, and is conducted on no principle of improving the moral character of either the prisoners or the people. Owing to the injustice of the executive, and the fact that the innocent are punished almost as often as the guilty, punishment loses much of its influence as a deterrent from the commission of crime.

A criminal who has the means of purchasing his liberation from prison finds greater facility in obtaining his freedom than a poor innocent man who has been unjustly condemned to imprisonment.

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## CHAPTER XVII. — ADMINISTRATION OF PRISONS.

THE prisons in Morocco are in the most lamentable condition of barbarism. No care or attention whatever is bestowed upon the prisoners. No medical assistance is afforded them when sick, and they are left dependent on the charity of their friends for their subsistence, — a small ration of the poorest bread being all that is supplied to those who would perish were it withheld from them.

There is one useful custom, however, which obtains generally in Moorish prisons, and that is that poor prisoners have facilities afforded them by their jailers to learn or practise some trade by which they may maintain themselves. Basket and rope making are the industries most commonly practised. The jailer gives them instructions, and often supplies material; and he is paid by a part profit when the articles are manufactured and sold.



## CHAPTER XVIII. — PRISONS IN THE INTERIOR. — AT TANGIER. — AT FEZ.

LITTLE is known by outsiders of the state of the prisons in the interior of Morocco. The prison at Tangier (that town being the seat of the foreign representatives) is situated in the Rasbah or Citadel. Part of the interior can be seen from an aperture in the den, from which at all times issues an effluvium that makes a long inspection undesirable. It is a damp, dark chamber, as dreary and dreadful a place of confinement as can ever be conceived.

The prison at Fez, the capital, although not very extensive, is always much crowded, at times containing over a thousand inmates. As the food supplied to those who have no friends is very limited in quantity and very bad in quality, and as the sanitary condition of the place is bad in the extreme, the mortality among the prisoners is appalling.

Little is to be learned from the prison system — or more properly want of system — in such a country as Morocco, unless it be the experience of what a wretched state of things can exist in uncivilized and barbarous countries, and under an intensely arbitrary and despotic system of government.

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## CHAPTER XIX. — JUSTICE ADMINISTERED BY A RELIGIOUS CODE.

THERE is no criminal code of laws in the Empire of Morocco, but instead they have a religious one. The practice of jurisprudence is reduced to the application of certain principles found in the Koran, and is the practical knowledge of the precedents established in the various jurisdictions.

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## CHAPTER XX. — OFFICIALS. — ABUSES.

THERE are kadis and governors in the cities and rural districts for the administration of justice ; and notaries to certify deeds and all that relates to the security of property. The laws of the Koran admit no evidence but from those professing the Mahometan religion.

All litigations concerning property, succession, and the various claims of interest are brought before the kadi of each town or district of the province.

The kadis are appointed by the sultan, with a salary barely enough for subsistence.

The governors of cities are also appointed by the sultan, and are entirely unpaid by the State. It is their duty to maintain order ; and they can punish by fine, imprisonment, and the bastinado.

Capital punishment is inflicted only by direct order of the sultan. The governor levies taxes for the imperial treasury ; and it is in connection with this part of his duties that he is induced to exercise his functions of inflicting fines in a most arbitrary and irregular fashion. Sheikhs and umkadams are also unpaid officials. The result of such a state of things is that the unpaid governors and sheikhs squeeze the people committed to their charge as much as lies within their power. Pillage, extortion, corruption, and injustice are universal. So it happens that, with the almost unpaid kadis, the longest purse invariably prevails. Justice is not administered, — it is sold. Even the police are unpaid, or receive only a slender allowance, which is supplemented by what they can extract from those who come within their clutches. The judgments of the governors are always arbitrary, and generally consist in distributing the bastinado with equal liberality to the guilty and innocent, committing them to some days' imprisonment, whence they are released by money. The rich therefore rarely suffer any great punishment, though they may have been concerned in criminal acts.

To this wretched system of administration the chronic state of disorder, which always exists, is in great part to be attributed.

## PART FOURTH.

## SIAM.

## CHAPTER XXI. — SIAMESE JAILS. — CRUELITIES PRACTISED.

**I**NCARCERATION in punishment of crime is unusual in Siam, in consequence of the excessive and long-continued heats of the climate. The jails are generally mere bamboo cages guarded by an officer with a drawn sword. If the criminal attempts to escape, he is run through without ceremony. If he succeeds in his attempt, the officer on guard is severely punished, — sometimes beheaded. The severity of the penalty depends, however, upon the nature of the offence with which the prisoner stands charged.

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## CHAPTER XXII. — PUNISHMENTS. — ABUSES. — INOFFENSIVENESS OF THE SIAMESE.

**T**HE usual methods of punishment for petty offences are the chain-gang, in which criminals are fastened together by fetters and compelled to work on the public highway or in the paddy fields, the bastinado, flogging on the bare back with bamboo rods, and confinement in a prison or walled enclosure till bailed out by relatives or friends.

As the courts are hot-beds of corruption and the judges thrive on the bribes paid to them, any prisoner can purchase his freedom if his relatives possess the means, — that is, the sum demanded by the judges.

The Siamese are an inoffensive, law-abiding, even-tempered people. Hence most of the crimes committed by them are too insignificant to merit punishments of great severity. The Chinese residents in Siam are the greatest criminals, and receive, as they deserve, the severest penalties.



## PART FIFTH.

## PERSIA.

## CHAPTER XXIII. — FIXITY OF KORANIC LAW. — MODIFIED INTERPRETATIONS AND APPLICATIONS.

**C**RIMINAL law and criminal justice are essentially the same in this country as everywhere else under the dominion of Islamism. The fixity of Koranic law allows little diversity in the treatment of crime, so far as the principle of the law is concerned, though there may be, and is, considerable variation in the interpretation of it, and especially in its practical application by the agents charged with those functions. Therefore what prevails in respect of penal law and penal administration in Turkey and other Mussulman countries may be said, in the main, to have its counterpart in Persia. But when it comes to the application of the law, there is apt to be a riding rough-shod over all that is written, to suit the caprice and the interest of despotic and irresponsible officials.

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## CHAPTER XXIV. — PROMPTNESS OF PERSIAN JUSTICE. — PENALTIES. — CRUELITIES. — LYNCH LAW.

**H**OWEVER, there is this at least to be said in favor of Persian justice, — that it is prompt. A man charged with crime is quickly tried, and if found guilty quickly punished, or if declared not guilty quickly released, — that is to say, in the latter case, if the consideration for release is speedily made over to the governor. There is seldom a long trial with a long prior detention in prison. Imprisonment is not employed as a punishment in Persia.

The penalties inflicted on criminals are the bastinado (which is given for all sorts of wrong-doing and often on mere suspicion), maiming, and death. Thieves who have become habitual offenders are usually punished by the loss of an ear or a hand ; and if they still continue in their old habit, they are likely to lose another of those members. The execution of these maiming punishments, as well as that of decapitation, is often attended with very revolting circumstances. Except at one or two principal cities the executioner is commonly another criminal hired for the occasion, who first drinks himself drunk. As a matter of course, he

does his job in the rough and bungling manner that would naturally be expected under such circumstances. If a hand is cut off, the bleeding stump is plunged in boiling oil, and the brutal officer of the law parades the excised member through the public markets with maudlin jokes, begging money as he goes. The sensibilities of the more refined and cultivated Persians condemn such inhumanities, but they are powerless to effect a change. Persian officials tolerate them, and they continue to be practised.

When it is desired to strike a community with special terror, gross offenders are sometimes put to death by being built up in mortar at the principal entrance of the city, where they are left to die of suffocation. At other times boiling mortar is poured down their throats. Occasionally men are blown to atoms from the cannon's mouth. But these more shocking forms of capital punishment are less common now than formerly. It is a number of years since an execution in either of the ways mentioned has taken place at Oroomiah. It may be stated here that the execution of a woman is almost an unheard-of event in Persia. Women are sometimes beaten, though always prior to the infliction of that penalty they are considerably enveloped in a coarse bag. For crimes against their sex they are subjected to the penalty of having their hair cut off.

The authority to punish with the bastinado is supposed to reside with the governor of the province alone; but in point of fact almost every landlord exercises it in regard to his own tenants. The right to inflict the death-penalty belongs only to such governors as it is specially conferred upon. Before leaving this branch of the subject, it may be of interest to mention an incident which quite recently happened at Oroomiah. A Mussulman was convicted of having murdered his brother, and of concealing the remains in a pit where they were found. The city was without a governor who possessed the necessary authority to inflict capital punishment. But the outraged sentiment of the community would not suffer the man to escape the just punishment of his crime. He was taken by the mollahs, or clergy, brought to the same pit where his brother's body had been found, was cast into it, and then and there stoned to death.

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#### CHAPTER XXV. — PRISONS OF PERSIA. — ABUSES BY JAILERS.

OF the prisons of Persia a short account will suffice. For the most part they have but one apartment. This furnishes quarters for all classes of persons under arrest for whatever cause. No difference is made between the worst offenders and those

merely suspected of crime. The jail is one common lock-up. And what sort of place is it? A dark, dank, gloomy room, bare of all furniture, without even the common reed-mats on the damp earth floor. Prisoners or their friends may furnish mats, but the Government does not. The whole internal management of the prison is in the hands of a jailer selected because of his physical strength and obdurate nature, often deeply depraved, always irresponsible. It is in his power to treat the inmates as roughly as he pleases, and to squeeze money out of them at his will, so long as they have it or can command it. The stocks and other instruments of torture are his resort. The stocks are so constructed as to allow a varying degree of torture. The prisoner is chained upright to the wall, so that it is impossible for him to lie down or in any way change his position. Money alone will arrest the tightening pressure of the jailer's screws, with the agonizing pain inflicted by them.

But even when the inmate is fortunate enough to satisfy the greed of his tormentor, there remain always the tortures of the place itself. The prisoners never go outside of their prison-house day or night, but meet all the necessities of nature in a corner of their one apartment; and this is purified only at irregular intervals. One can imagine the filth, vermin, stench, and horror of these dismal dungeons. When the number of prisoners becomes large, they are sometimes removed in a body to the outside for a few hours, until their noisome abode may be partially cleansed and renovated. Such is the condition of the main prison in Tabriz that the citizens have urgently petitioned the crown-prince, who is governor of the town, to have it improved; but my correspondent has been unable to learn whether any good has come of their representations.

The inmates of the prisons are wholly dependent on their friends or their own means for support during their incarceration; the Government provides nothing but the dungeon and its instruments of torture.

In Teheran the condition of the prisons is in some respects a little better. There is at least an upper room much superior in its appointments, designed for political offenders and for criminals from the higher ranks of society. In the prison at Tabriz, also, there is an apartment for the same classes.

Of child-saving institutions or reformatory establishments there are none whatever in the country.



## PART SIXTH.

## CHINA.

## CHAPTER XXVI.—CRIMINAL LAWS OF CHINA.

CONCERNING the criminal laws of the Chinese Empire an able writer in the "Edinburgh Review" some years ago held this language: "The most remarkable thing in the criminal code of China is its great reasonableness, clearness, and consistency, the business-like brevity and directness of its various provisions, and the plainness and moderation of the language in which they are expressed. It is a clear, concise, and distinct series of enactments, savoring throughout of practical judgment and European good sense. When we turn from the ravings of the Zendavesta or the Puranas to the tone of sense and business of this Chinese collection, we seem to be passing from darkness to light, from the drivellings of dotage to the exercise of an improved understanding; and, redundant and minute as these laws are in many particulars, we scarcely know any European code that is at once so copious and so consistent, or that is so free from intricacy, bigotry, and fiction."

This, if other authorities are to be trusted, is rather a rose-colored view of the matter. Mr. Davis, a very competent and judicious writer on China, points out three principal defects of the code: 1. A constant meddling with those relative duties which might better be left to other sanctions than positive laws. 2. A minute attention to trifles, contrary to the Roman and European maxim, *De minimis non curat lex*.<sup>1</sup> 3. An occasional indulgence in those vague generalities by which the benefits of a written code are in a great measure annulled.

But the Chinese code is open to two graver impeachments than either of the foregoing: 1. Its contravention of the immutable principles of justice. A marked feature of the Chinese criminal law is the unrelenting severity with which it punishes the crime of treason, not only in the person of the traitor, but in those of his unoffending offspring, even the infant at the breast. The whole are cut off at one fell blow. It is impossible to read the recital of some of these punishments, so abhorrent to humanity and justice, without a sentiment of indignation as well as pity. 2. The cruelty

<sup>1</sup> "The law does not expend itself on trifles."

of its punishments. The most common instrument of punishment is the bamboo. The next punishment is the *kea* or *cangue*, which has been called the wooden collar, being a species of walking pillory, in which the prisoner is paraded, with his offence inscribed upon it. It is sometimes worn for a month together; and as the hand cannot be put to the mouth while it is on, the wearer must be fed by others. After this comes banishment to some place in China, and then exile beyond the Chinese frontier either for a term of years or for life.

There are three kinds of capital punishment: strangulation, decollation, and for treason *tingchy*,—a disgraceful and lingering death, called by Europeans “cutting into ten thousand pieces.”

A debtor who does not “pay up” after the expiration of a specified period becomes liable to the bamboo.

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#### CHAPTER XXVII.—PRISONS AND PRISON ADMINISTRATION IN CANTON.

PRIOR to 1856 no foreigner had access to the prisons of Canton, or was allowed to visit and inspect their interior. Since 1860, however, they have been open to such examination. During the interval named, a period of five years, the city of Canton was in the joint occupancy of the British and Chinese Governments. So long as this joint occupancy lasted, the British Commissioners prohibited all torture in the examination of criminals or of witnesses at the trial, as well as of prisoners confined in the jails; so that, to-day, the prisons of Canton are in a better condition materially than any other large prisons in China, and the treatment applied to their inmates more humane.

In considering the condition of Chinese prisons, it is to be noted that they are chiefly places of detention during the legal processes connected with the trial, which are merely preliminary to the infliction of the punishment. Their purpose and function do not therefore correspond to those of the penitentiaries of western countries. The fact that a fixed period of detention is the rule in western prisons is often referred to by Chinese prisoners with lamentations over the contrast to their own condition, since they have no time in the future to which they can look forward with any certain hope of release.

As Canton is situated in two districts,—the Pwan-yü and Nanhai,—it contains two sets of prisons, one under the magistrate of each district. These prisons are the same in every respect, except that those in Pwan-yü are all within the limits of the magistrate's

official residence, while those belonging to Nan-hai are partly within such official residence and partly in neighboring streets.

Chinese prisons may be divided into three classes: 1. The great prisons. 2. The inferior prisons. 3. The police prisons.

1. The great prison is designed for the confinement of such as are guilty of capital crimes. It is always situated within the enclosure of the official residence, and is surrounded by a high wall, with only a single entrance through the keepers' rooms. Inside of this high wall, and separated from it by a paved alley six feet wide, is the wall of the prison proper. This alley entirely surrounds the prison, and from it are doorways which lead into the wards.

In the Nan-hai there are five wards, four of which are for men and one for women; while the Pwan-yü consists of only three, one of which (a small one) is for women. Each ward consists of an open quadrangle, on the east and west sides of which are rooms for prisoners, and on the north an altar or temple for an idol. The area is forty to fifty feet long by twenty to twenty-five wide, paved with stone, and in the centre of it is a pavilion or covered space, the roof of which rests on four posts. On each side of the quadrangle are two rooms which are separated from each other and from the open area by upright beams, like palisades, a few inches apart, leaving space for the admission of light and air. The prisoners are admitted by day to the open area, but are locked up in their rooms at night. There are wooden floors, which extend partly over the rooms on which the prisoners sleep. Pots, furnaces, a few stools, and one or two beds make up the scanty supply of furniture.

For prisoners confined in the great prison there are several grades of punishment; namely, (1) *Ling-chi*, or cutting up alive on the cross; (2) Beheading; (3) Strangulation on the cross; (4) Banishment 4000 *li* (1300 miles) for life; (5) Banishment for shorter distances and periods.

2. The inferior prisons. In these are confined persons charged with minor offences, such as theft, swindling, debt, etc. In the Pwan-yü, this prison is arranged on the same plan as a ward of the great prison above described, but on a larger scale. The central area is about one hundred feet square, and has rooms on three sides, while the altar for the idol occupies a place on one side of the covered pavilion in the centre of the area.

There are three inferior prisons belonging to Nan-hai, one of which is within the magistrate's official residence, and the other two in streets a few minutes' walk distant. The first consists of three dark, dingy rooms closed in without a window on three sides, but opening through palisades on the south side into a space six or eight feet wide and uncovered, whence light and air can be enjoyed by the inmates. These rooms are often crowded, there being in them so many persons that there is not room for them



all to lie down at one time. The air even in the daytime is not salubrious, but at night, especially in hot weather, it must be horrible indeed to be compelled to inhale the effluvia from so many bodies.

The other two prisons of this class belonging to Nan-hai are better arranged,—not so close and dark; but, on the other hand, they have not so large an open area for air and exercise as is found in the Pwan-yü prison. The buildings occupied are ordinary houses converted into prisons.

There is a prison in another place called the Nan-Pwan Kung Kam, which, as its name implies, is used by the magistrates of both districts. It is partly in ruins, and about half the rooms are not in use.

3. The third class is the Cohai-kún or police prisons. There are many of these, and they are divided into two classes,—the legal and the non-legal. The police prisons are for the detention of persons charged with debt or the lighter criminal offences, and for the purpose of squeezing the innocent or guilty who fall into the hands of the police. The rooms used for these prisons are in ordinary Chinese houses,—small, dark, close, and ill-ventilated. When crowded in hot weather, they are most disagreeable habitations for human beings.

In connection with the police prisons are the *Ho-fong*, or rooms for the detention of persons of respectability or wealth, and where certain liberties are allowed them, for a consideration of course.

In addition to the above there are two rooms for the confinement of persons condemned to wear the *cangue*, or wooden collar; and opposite to the entrance to the Nan-hai office are some dark narrow rooms for culprits who are chained to a rod of iron or a stone, and who are allowed to frequent the streets about the Ya-mun.

|   |   |            |       |
|---|---|------------|-------|
| In the great prisons there are six wards, and |   |            |       |
|   | forty to sixty prisoners in each ward (say) . . | 240 to 360 |       |
| Inferior prisons, Pwan-yü . . . . .           |   | 120        | " 250 |
| “ “ Nan-hai (four wards) . . . . .            |   | 350        | " 500 |
| “ “ Nan-Pwan Kung Kam . . . . .               |   | 75         | " 125 |
| Police prisons (indefinite) . . . . .         |   | 100        | " 000 |
|   |   | 885        | 1235  |

Having noticed the different grades of prisons, their construction and location, we now come to the condition of the prisoners, their treatment, etc.

In the great and inferior prisons the food is supplied by the Government. The legal allowance of rice is about two pounds, with (say) two cents to buy meat, vegetables, etc. Rice of an inferior quality is supplied by the keepers, and generally in sufficient

quantity ; but no meat or vegetables, unless the prisoner or his friends pay for such luxuries. There are stalls kept at some of the prison doors, where food, tobacco, and other articles are kept for sale to the inmates.

In the Ngoi Ki, or inferior prison of the Pwan-yü, where there are from one hundred to three hundred men confined, there is a shop within the enclosure. This shows that a considerable number have command of cash with which to supply their necessities. There are some in the prisons who indulge in opium which, it is well known, is a luxury requiring money. All this traffic of the prisoners is of course controlled by the keepers, and inures to their benefit. The prices paid are higher than if direct access could be had to the market in the street outside the walls. In all the large prisons there are wells within the enclosures, and the supply of water is abundant.

In winter a wadded jacket should, by the rules, be furnished to each prisoner. This is the only provision made in the way of clothing, and it may be doubted whether it is always faithfully carried out. In summer little clothing is needed, but in winter many of the prisoners suffer greatly from the cold.

In the police prisons the Government does not supply food, but this is done by the police officers in rotation, — two having the charge of a prison for five days, and then other two until all the head-men at a given station have had their turn. The object of this is no doubt to divide the burdens as well as the profits equally among the fraternity. These police officers have no salary, and they depend for their income on three sources : 1. Fees for services ; 2. Fees from prisoners ; 3. Fees from gambling-houses and brothels. If we take into consideration that each police officer has to pay for his position, and that he has to employ assistants and provide food for the prisoners in his turn, we shall not go far wrong in guessing that each source of income will be worked to its utmost limit, and that among others the prisoners and their friends will have to contribute a fair quota for the support of the officers who preserve the public peace.

To facilitate this object each police prison has two apartments, one of which is a small, close, filthy, badly-ventilated room, where prisoners are crowded together with nothing whatever in the way of furniture, and only the bare floor on which they all sit and sleep like cattle. Those in this room get nothing to eat but cooked rice, with a cup of the commonest tea to drink ; for every thing else they must pay cash. In the other apartment beds, stools, tables, and mosquito curtains are furnished, but at what rate no public notice is given. As to food, the quality and quantity depend on the price agreed upon. For the admission of friends the terms are the same ; they are admitted by special agreement. For a sum varying from one to several dollars a

father, or mother, or wife may have access at all times to the prison, and the visitors frequently witness affecting interviews and hear sad stories of wrong and oppression. Recently an old man partly blind, sitting at the prison door, was seen by a visitor conversing with his son who had been confined there for several years, undergoing terrible tortures because he persisted in asserting his innocence of the crime charged against him. The scars on one of his son's ankles showed that it had been beaten until the bones were broken and the prominence of the ankle joint was gone, proving that the bone had been discharged in fragments. In answer to the question whether many of the prisoners had such scars, the young man said that persons thus afflicted generally died, but he having obtained favor from Heaven had survived.

In the great prison the comforts of bed, mosquito curtain, etc. cannot be had except in the common ward.

The inmates of all the prisons have the privilege of working at any handicraft they choose, and they enjoy the proceeds of their work. The most common employment is the making of a kind of net jacket, much used for summer wear. Such as can read have a few books with which they while away the time. But the occupation which one constantly sees on entering a prison is gambling. Besides those engaged in the game there are others looking on with interest; and no doubt many thus spend their time until the fatal hour arrives when they are hurried away to execution.

The only fastening with which the inmates of the prison are secured is a short chain between the ankles. This is sufficient to prevent their escape, while it does not interfere with locomotion. It is seldom that one is seen with the hands chained, and this is only in case of dangerous persons, or of criminals newly arrived from the country.

Torture is not practised in the prisons, and is inflicted only in the judgment hall in the presence of the mandarins. This should be qualified, perhaps, by saying that the keepers have it in their power to torture their victims by hunger when it suits their purpose. It is said that a plan sometimes adopted by the police to put a man out of the way privately is to starve him for a few days and then set before him a feast; they are able to regulate the starving and the feast so nicely that the victim is sure to kill himself by the operation. There are often seen in the prisons instances of very great suffering, the consequence of torture while undergoing trial, inflicted by order of the mandarins. A case is related by my informant which came under his personal observation, where death was the result. He adds to this statement that he had never known an instance of torture in the prisons.

Prisoners are conducted from place to place with a chain around the neck, which is held by a policeman; and if there is need of



special care in guarding him his hands are manacled, and another official holds his queue. When they are brought from a distance, each man is put in a cage just large enough to contain him in a sitting posture. The cage is made of slats nailed to a frame, and looks like a coop for fowls. When it is necessary to convey the prisoners by land, poles are attached to the cage, and it is borne like a sedan chair. The arrival of a new lot of prisoners is indicated by the new cages in the prison yard. When carried to execution, prisoners are made to sit in baskets which are borne by two men, the hands manacled behind the back, and the feet dangling over the side of the basket.

While the prisons are not neatly kept, they do not differ in general appearance and condition from the houses and shops of the common people as seen in crowded localities. It perhaps does not occur to the prisoners or their keepers that in respect to cleanliness they are any worse off than others who are at liberty. In the government prisons they are certainly as well off in this respect as most of them were in their own houses. The occasional crowded condition of the rooms, the want of food, and in winter of clothing, are the things complained of.

Cooking is done in some of the rooms, and the collection of cobwebs, soot, and dust on the walls gives an appearance of untidiness which would make a neat housekeeper either from Old or New England sigh for brooms, brushes, soap, and water. The walls of the rooms and posts of the palisades are utilized for stowing traps of all sorts. Baskets, suspended on nails, hold dishes, pots, cups, and all sorts of implements. Bundles of rags, rolls of quilts, and all the old rubbish not in immediate use are hung up by strings, and one is surprised to see how chests of drawers and cupboards may be dispensed with.

To a stranger first entering the prisons the aspect is very disagreeable. The unshaven heads, the sallow faces, and the ragged garments give a woe-begone appearance to the crowd of men who rush out to see the visitor. In general they have a look of unconcern, and even of cheerfulness, which may arise in part from the excitement of the occasion.

While the inmates have pale countenances, caused by confinement, it is not common to find cases of sickness among them. Many are covered with skin diseases, and suffer a great deal from that scourge of all prisons; still, cases of acute disease are rare. This cannot of course be so when epidemic diseases prevail, for the narrow, filthy, ill-ventilated rooms of the police prisons, if crowded in hot weather, must become a very hot-bed for the propagation of fevers, cholera, dysentery, etc. if the poison of these diseases were but once introduced. Dr. Williams,<sup>1</sup> speaking of

<sup>1</sup> Middle Kingdom, vol. i. p. 416.

Canton, says: "Jail distempers arise from overcrowding; two hundred deaths were reported in 1826 from this and other causes, and one hundred and seventeen cases in 1831."

The condition of these prisons in 1856 must have been bad beyond description, for at that time hundreds of those who had been in rebellion were brought in daily from the country. The remedy then used was the immediate execution of the prisoners, for many passed but one night in the prison; and thus the crowd of to-day gave way for the new victims of to-morrow, and time was not allowed for diseases to generate.

There are instances in the prisons where life has been prolonged ten, fifteen, and twenty or more years. These cases are exceptional, but they show that the prisons are not so bad as to be necessarily fatal to life. One man in the Pwan-yü prison has been under the observation of my informant for ten or twelve years, and he has been in the same ward for twenty-two years. His father was one of the Tai Ping rebel leaders, and for this reason both he and his mother were arrested. He professes to worship the Christian's God, and his behavior has been such that he has, like Joseph of old, been appointed head-man of his ward. My informant says that he has also visited his mother who was for many years confined in the female ward of the Nan-hai prison. She is now quite old and helpless from rheumatism, and is dependent on the other women prisoners, who wait on her. She has recently been transferred to the Pwan-yü prison, and is placed in a ward adjoining the one her son is in. This is an instance of kindness not to be overlooked.

Criminal justice in Canton is administered by a code, but without jury, witnesses, or distinct and definite charges. The criminal is called upon to confess, and if he refuses he is put to the torture to extort *the truth*, or the confession. The punishments inflicted are the application of the bamboo, of the rattan, imprisonment with chains, stringing up by the thumbs, or by the thumbs and toes, decapitation, strangulation by suspension on a cross, flaying alive, cutting to pieces by inches, and burning to death. These last are for the crimes of parricide and rebellion in aggravated cases.

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#### CHAPTER XXVIII.—ABUSES IN PRISON ADMINISTRATION.

WHAT follows in the present chapter is official. It is the translation of a joint memorial addressed in 1837 to the Emperor of China by the acting governor-general of the provinces of Fuhkien and Chekiang, and the governor of the former province,

transmitted under date of May 12, 1877, by the United States minister at Peking to the department of state at Washington. These gentlemen are evidently intelligent, high-minded, and humane officials, keenly alive to their own duty, the honor of their country, and the cause of progress in general and of prison reform in particular. The memorial sets forth abuses of a flagrant character in the administration of the prisons, and prays that means may be taken to correct them. It is in the following words :—

“The acting governor-general of Min-cheh and Ting Jih-ch’ang, governor of Fuhkien, jointly memorialize, representing the urgent necessity that exists for a modification of the rules in force respecting the custody of prisoners, in order to allow a speedy dispensation of justice to take place. Observing that the civil administration in the province of Fuhkien has lapsed into a condition of vicious routine, one consequence of which is that unsentenced criminals and other parties to judicial cases habitually languish in imprisonment frequently resulting in death, the memorialists point out that in order to afford any actual relief it is necessary to undertake a radical and searching inquiry into the causes of the evil complained of. They have already, on two successive occasions, denounced a series of officials guilty of acts of suppression in connection with reports of law proceedings, and they have at the same time lavished exhortations upon all their subordinates to discharge their duties with diligent exactitude, to such an extent that they may almost say they have worn away the points of their pens and have brought blisters to their lips in the effort. In the course of six months the cases of five hundred and thirty-two prisoners, old and new, have been wound up ; but the misfortune is that in many cases where the official returns show only a few prisoners in custody there are in reality some scores of persons in confinement. Thus, at Amoy the sub-prefect had upward of eighty prisoners in jail and reported barely half-a-dozen. The sub-prefect at Shih Ma had upward of twenty persons in confinement and had gone on for some time reporting the prison as untenanted ; and these cases may be taken as typical of the remainder. Not only is this what happens as regards the magistrates themselves, but prisoners are confined by the underlings without the knowledge of the clerks and secretaries, while these again commit persons to custody without the knowledge of their official employers. Farmers and laborers or petty traders once cast into prison, their entire household knows not a moment’s peace, and their release is not effected until land and houses, nay, it may be, wife and children, are sold and interest brought to bear on their behalf. The official sits at his chess and wine, while the people are offering up supplications to which there is none to lend an ear. Verily the sound of their woes and anguish may well suffice to evoke the visitation of drought and to arouse the wrath of Heaven. Since the memorialists began their work of scrutiny, prisoners to the number of twelve hundred and forty-six borne on the lists sent in from the various districts have been released, but they have no doubt that thousands more are still confined of whom no report is made, or who are surreptitiously held in du-rance by the official underlings. Most marvellous of all are such instances as that of the magistrate of Show-ning, who, when stringently called upon



to explain why a prisoner named Li was still detained in custody more than a year after he had been entitled to his release by act of grace, replied that the prisoner was so fond of confinement that he did not wish to be set at liberty; and of the magistrate of Tsiang-loh, who, when called upon to report why a prisoner named Yang had been so long in jail, replied that the man had been handed over by one incumbent of the office to another during a long series of years, and that no particulars of his case were on record. Other instances of the kind might further be cited.

"There are at present in all the districts of the province some two hundred and nine odd criminals in prison whose trials are not yet at an end, and six hundred and twenty odd prisoners in addition to these. The prisoner who has been longest in confinement is one Wong I-loh, in the Fuhtsing district, who has been twenty years in jail; and other instances of imprisonment for twelve, eleven, and ten years are recited.

"The majority of these are individuals connected with charges of murder or robbery with violence, but some have retracted confessions made in the first instance under torture, while others are simple accessories or even persons who declare themselves to be the victims of false accusations. The courts bound down by the letter of standing regulations do not venture to pronounce a final decision. And the consequence is that prisoners who, if they had only been sentenced, might go free in conformity with the decrees of the Imperial ministers, are detained in perpetual imprisonment owing to some contradiction in their depositions, first and last.

"In order to remedy the crying evils thus exposed, it is prayed that the existing regulations may be modified so as to enable a general jail-delivery to be held, irrespective of the limitations of time prescribed by the rules affecting trials, for all cases dating from before the year 1875, — exception being made in the case of persons who have retracted confessions made in the face of direct testimony, keepers of gambling-houses, promoters of litigation, kidnappers to hold to ransom, and evil-doers of this class, who, if set free with the rest would be certain either to betake themselves to the profession of brigandage or to drift into connection with alien sects. It is proposed that this class of prisoners may be kept in custody for a fixed term of years by being chained to blocks of stone, but not locked up in prisons. For all subsequent cases it is proposed that the regulations enjoining dispatch in procedure be duly enforced. An apology is made for some delay in sending forward the present memorial owing to the departure for Formosa of the governor, Ting Jih-ch'ang, by whom it has been drawn up. Rescript. — Let the boards concerned consider and report to us."

## PART SEVENTH.

## JAPAN.

## CHAPTER XXIX. — PRELIMINARY STATEMENT.

WE have just glanced at a country where a torpor like that of death has possession of the general public and even of the Government as regards improvement in prisons and prison administration. We pass now to a country separated only by a narrow sea from that which we have left, where all is life and action and progress as regards this great social interest common to all civilized communities. Japan has already taken her place in the forefront of those nations which are reaching out after a prison organization and prison management better, wiser, more scientific, and more effective than any embraced in the old methods. From no government or nation in the world have I received an account of its prisons and prison administration so exhaustive as that furnished by the Empire of Japan. This account was prepared through the joint-labors of their Excellencies Messrs. Okubo and Oki, ministers respectively of home affairs and of justice. Their report is made up in three distinct documents: 1. A letter containing a preliminary historical sketch of prison affairs in the empire. 2. An answer to the questions contained in my circular letter to Governments of September, 1876. 3. A more detailed but still necessarily summarized history of Japanese prisons from the earliest times to the present. This last would make a small volume of itself, and is too extended for transfer in whole or even in part to the pages of the present work. The several documents enumerated, transmitted in the vernacular of the Empire, were kindly translated by the Imperial Japanese Legation at Washington.

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## CHAPTER XXX. — HISTORICAL REVIEW.

IT is now more than a thousand years since the earliest legislation on the subject of prisons, and the establishment of *shugokushi*, a prison bureau or department. This occurred in the first year of Taiho, or the year 1361 of the Japanese era, in

the reign of His Majesty Bumbu Tenno; but the rules have from time to time been changed as circumstances required during the long period of time which has since elapsed.

In the first year of Meiji, or the year 2528 of the Japanese era (A.D. 1868), His Majesty the reigning emperor assumed the administration of the government, and directed his attention to the reform and improvement of the prison system with great care and earnestness, not only because it concerned the restraint of personal liberty, but also because of his concern and regard for the health and life of the persons confined. Thus, in the twelfth month of the second year of Meiji, or 2529 of the Japanese era (A.D. 1869), by His Majesty's decree, there was established the *shugokushi* (prison bureau) as a division of *giobusho*, or department of justice (former name), and all matters connected with or pertaining to prisons were managed by that office.

In the fourth year of Meiji (Japanese era 2531, or A.D. 1871) the *giobusho* was disestablished, and *shihosho*, or judicial department (present name), was established in its stead, and the prison government was necessarily taken by *shihosho*.

There have been as time progressed great improvements in prison discipline and in the methods of treating the prisoners confined under the management of *shihosho*. Since the eleventh month of the seventh year of Meiji (Japanese era 2534, or A.D. 1874) the management of all prisons throughout the whole empire has been placed under the jurisdiction of *naimusho* (department for home affairs).

It is an evidence of the improved management of prisons that the annual average number of deaths among those confined in them since the fourth year of Meiji (A.D. 1871) has been less than two and a half per cent of the whole number of inmates, while prior to the year last named the death-rate was more than twenty per cent. This is ascertained by comparing the statistics of the prison at Ishikauvashima, Tokio, compiled since the fourth year of Meiji mentioned above, with those prepared for the period preceding that year.

It is but a short time since vigorous attention has been directed to the reform of prison management, and consequently the system has not yet attained perfect and wholly satisfactory features.

It is hoped, however, to secure a more efficient and perfect system and discipline in the prisons throughout the empire by first applying to the prisons of Tokio an improved plan and system which is under consideration, and gradually extending them to other prisons, numbering above one hundred and sixty, and distributed throughout the empire in the various *fūs* (capital cities) and the *kens* (provinces or departments).



## CHAPTER XXXI. — PRISON SYSTEM.

THE system of imprisonment proposed to be adopted in Japan is to confine one prisoner in a separate cell at night; but the new system has not yet been carried into full effect, and therefore, except in the prisons where those who violate the press laws are confined, all criminals are lodged together in common dormitories. The convict prison at Tokio has eighteen dormitories, which are numbered in order. In each dormitory sleep about one hundred and fifty prisoners. In jails where prisoners awaiting trial are confined, one cell is assigned to each prisoner. The prisons are divided into two classes, — prisons for the convicted (convict prisons), and jails for the unconvicted who are awaiting trial (detention prisons). Of convict prisons there are four classes, — for detention, for correction, for females, and for the sick. The jails for the unconvicted are subdivided into three classes, — for the sick, for female prisoners, and for male prisoners. The houses of correction are intended for reforming and training youths guilty of minor offences, and for fitting them to earn the means of honest living after their term of imprisonment has expired. Since the fifth year of Meiji (1872) the annual average number of convicts has been two thousand eight hundred, and that of the unconvicted four thousand.

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CHAPTER XXXII. — PRISON ADMINISTRATION. — OFFICIALS.  
— QUALIFICATIONS.

THE department for home affairs has charge of the prison system of the whole empire; therefore all the jails in Tokio are under the control of the police bureau in that department. As regards inspection, there are within the premises of the convict prison five guard-houses, in each of which are stationed in turn policemen, who watch the movements of the prisoners day and night. During the day, a certain number of subordinate jailers are distributed through the workshops to superintend the work of the prisoners sentenced to hard labor. A lieutenant of police inspects the convict prison day and night once every hour; the chief jailer inspects it once every day; the commissioner of police once every month or two; and the minister for home affairs once every year. The same system of inspection is also in vogue for the *kanso*, or jail for those awaiting trial.

The officers of the *kanso* and the *kangoku*, or convict prison in Tokio, are appointed by the commissioner of police, who also has the power of dismissal. The term of office is not for a fixed period, but during good behavior. It is the aim to have such officers as are self-restrained, prudent, and upright; and at the same time intelligent and courageous. If they have self-control, prudence, and integrity they will become examples for the prisoners to follow; and if they are intelligent and courageous they can restrain the unruly. It is desired, therefore, that those who may be appointed as employes shall possess these qualities; but it is hardly to be expected that all of them will come up to this standard. The establishment of professional schools for prison officers is deemed highly important; but such schools have not as yet been established.

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CHAPTER XXXIII. — REFORMATION. — MEANS EMPLOYED.  
— REWARDS. — PUNISHMENTS.

THE object of the discipline is to encourage and reform the prisoners. Therefore, among the prisoners who are remarkable for their good behavior and for abiding by the regulations of the prison, better food and clothing are given to those whose merit entitles them to some reward. In the case of those whose good conduct surpasses all others an accurate report is made to the minister of justice, and their term of imprisonment is shortened so as to encourage them and all the others. There was once a prisoner named I-oka Senzaburo who was condemned to ten years' imprisonment. He repented of what he had committed, and proved his repentance by faithfully obeying the prison regulations, by encouraging other prisoners to do the same, and by attending diligently to his work, thus showing himself to be worthy of some reward. Accordingly the chief officer reported this to the minister, asking him to grant the prisoner a reward by lessening the degree of his punishment, which was so ordered. This prisoner was afterwards appointed an employe of the prison, and is now very useful in that office.

There is another case, that of Takarada Tomegoro, who also repented of his past conduct and devoted himself diligently to labor. Two years ago, when he heard that his house was burned, he was greatly distressed, and sent to his mother all the money he had earned by his labor, which called forth the admiration of his fellow-prisoners. For this, on the fourth of the twelfth month of the tenth year of Meiji, 1877, his punishment was di-

minated one degree by special order, and he was released immediately.

Among so many thousands of prisoners there are some who are not capable of being reached by means of encouragement and moral discipline, and accordingly such methods as "chain rod" and "dark room" are still resorted to, though not desirable as means of chastisement. The "chain rod" is the fastening of iron rods to the feet so as to compel the offender to stand erect for a day or half a day. For one whose offence in violating the prison regulations is light the above method is resorted to; but one whose offence is serious, is placed in a dark cell and receives only a ration of rice and water, and is not allowed to see or converse with any one. This cell is called the "dark room." The longest time of confinement is one week.

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CHAPTER XXXIV. — RELIGION. — EDUCATION. — CORRESPONDENCE. — VISITS. — WOMEN.

EVERY Sunday a priest is invited to preach a sermon to the prisoners, and prisoners not exceeding eighteen years of age are placed every day in the care of a prisoner who is well educated and painstaking, to instruct them after twelve o'clock M. in reading, writing, and arithmetic. Any one who desires to come and preach to the prisoners on Sunday is allowed to do so.<sup>1</sup>

In regard to the letters which the family friends of a prisoner wish to send to him, they are first examined by the officers, and if found harmless are allowed to pass into the hands of the prisoner. There is no person who does not possess affection for his kindred, and it is not seldom that even a bad prisoner feels regret for his past conduct, and desires to reform and become virtuous when visited by members of his family, — parents, wife, or children. Consequently when the family or kindred of any prisoner come to visit him, they are accompanied by an official, and allowed a free interview with him.

Prisoners are allowed to have their cells lighted up so that they may read and study all such books as they wish, which are of a suitable character. Those who have more education than the rest are distributed in the different houses to superintend and teach the others.

Once every month the chief officers examine all prisoners in regard to their studies. For this purpose the inmates are divided

<sup>1</sup> By this, doubtless, is meant any Christian missionary, whether clergyman or layman.



into three classes ; and, to encourage them, pens, paper, and ink are distributed as a reward to the most studious and those who make the best progress. Instances are numerous where those who did not know how to read or write on their entrance have acquired an elementary education in prison. Prisoners are required to study so far as possible books of moral science and such as have a tendency to improve and elevate them. Although regular schools have not been established for them, and they have no study-room or reading-room, paper and pens are given and books loaned to them.

The number of female prisoners is generally three per cent less than that of the males.

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#### CHAPTER XXXV. — PRISON LABOR. — ITS RESULTS.

IN the Japanese prisons only industrial labor exists ; there is no exclusively penal labor, — none which is not productive, none imposed merely as a punishment.

Prisoners under sentence labor without receiving any compensation for one hundred days from the date of their entry into the convict prison ; but after that they receive one-tenth of the profits accruing from their labor and the remainder is put into the national treasury. Those who have no capacity to do skilled work are employed to cook the prisoners' food, to carry stones and earth, or to do any other unskilled labor. The kinds of industrial labor are bamboo-work, reed-work, working in iron, paper manufacture, carpentry, dyeing, straw-work, drawing, casting, engraving on blocks, lacquering, painting in various colors, shoe-making, manufacture of brick and candles, cleaning rice, tailoring, spinning, weaving, farming, pasturing, etc. All the industrial labor is managed by the administration except the manufacture of shoes, which is let to contractors. On a comparison of the advantages of industrial labor and penal labor, the Japanese authorities consider that the latter can serve no more than to give to prisoners a temporary chastisement, and is not certain to lead them to repentance and virtue ; whereas industrial labor enables them to accumulate a little stock of money, encourages them in the hope of getting a living when they are set free, and helps the administration to a certain extent in defraying the expenses of the prisons. At present the proceeds of the prisoners' labor defray only one-half or two-thirds of the expenses of the prisons ; but as their earnings are increasing every year it is quite possible that after some years, when the methods for the encouragement of industrial labor shall have been completed, they will cover the whole cost of the prisons.

## CHAPTER XXXVI. — SANITARY STATE OF THE PRISONS.

A LARGER proportion of the prisoners are sick when they enter the convict prison than afterwards, — the cause being, as is believed, the insufficiency of exercise while confined in detention prisons awaiting trial. After they become inmates of the convict prison they have regular employment at industrial or agricultural labor, and the consequence is that they become healthy and strong.

As to the food of the prisoners under sentence, this is to be noted: the regular rations of rice, vegetables, and meat are supplied by the Government. There are four classes of rations; namely, for those who do heavy work, for those employed on lighter labors, for adult prisoners, and for juvenile prisoners.

The prison clothes consist of a coat and pants of a brownish yellow color, all being numbered. For summer a garment of single thickness is furnished; for spring and autumn a garment of double thickness and a shirt; and for winter a padded coat is added. On entering the convict prison the prisoner is dressed in the prison uniform, and the clothes he wore before being imprisoned are committed to the care of officials, who return them to him on the day of his release.

Ventilation and drainage are fair. Convicted prisoners engaged in labor are required to take a bath every day. The cleaning of the prison is done as frequently as possible, but as the old usage is to some extent still in vogue, it cannot be said to be perfect. Fire for warming and lights for reading and study are allowed.

From the first day of the first month of the ninth year of Meiji (Jan. 1, 1876) to the thirty-first day of the twelfth month of the same year, the entire number of prisoners who had been convicted and imprisoned was 4,725. The number of sick was 1,864, and the deaths were 118.

As regards the dietary of the detention prisons, it is of two kinds, — one for adult and the other for juvenile prisoners, the regular supply of rice, vegetables, and meat being allowed them. They clothe themselves at their own expense, but to the poor prison clothes are furnished.

Ventilation and drainage in the detention prisons cannot be said as yet to be in a satisfactory condition. As regards bathing, the prisoners are required to bathe three times per week in summer and twice in winter.

The prison building is tolerably substantial, but not clean. At the centre and both ends of the building lamps are lighted so as to make the lights reflect upon each other, but the force of radi-

ance is not strong enough to impart itself to every room of the building. The sick-rate is five per cent, and the death-rate seven in a thousand, or less than one per cent.

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CHAPTER XXXVII.—SENTENCES.—LIFE-PRISONERS.—DEATH-PENALTY.—IMPRISONMENT FOR DEBT.

THE range of sentences for hard labor is from ten days to life. The annual number of imprisonments for life with hard labor is three per cent; that of ten years, seven per cent; that of one year and less than ten years, thirty per cent; and that of one hundred days and less, sixty per cent.

Among the prisoners who are sentenced to imprisonment for life, those who deeply repent of their crimes, give proof of genuine reformation, diligently perform their labor, kindly attend on the sick, or try to lead their fellow prisoners into a better life are reported by the head-officer of the prisons to the minister of justice, with the request that their punishment be reduced one degree; namely, ten years' imprisonment. If they behave still better, their punishment is lessened one more degree. If those who have already gone through ten years' imprisonment should receive any diminution of their punishment, they are set free at once.

The death-penalty is still in existence, and, according to the law of the empire it is of two kinds; namely, beheading and hanging. Public opinion inclines towards the abolition of the former mode, and to putting an end to the horror of mutilating the body.

There is no law authorizing imprisonment for debt, nor is there any public opinion which calls for such a law; but there is something which is, perhaps, analogous to it; namely, any one who is guilty of killing or wounding another by accident, but who is too poor to pay the pecuniary indemnity, is compelled to industrial labor to enable him to pay the family of either the killed or disabled the money which he would have gained by his labor, and after a fixed amount of payment is completed such debtor is set free. His treatment is different from that of criminals.



## CHAPTER XXXVIII. — REFORMATORY RESULTS. — LIBERATED PRISONERS.

THERE is no question as to the reformation of criminals being the principal object of the discipline while in prison, but the number of those who leave the prison unquestionably reformed is not so large as could be desired. From the first of the twelfth month of the ninth year of Meiji (Jan. 1, 1876) to the thirty-first of the twelfth month of the same year, the number of those who entered the convict prison was 2,985. Of this number those who committed crimes twice were fifty-three, those who committed them three times eighty-four, those who committed them four times eighteen, and the remaining 2,830 were imprisoned for a first offence.

As to preventing liberated prisoners from returning to crime, says the report, there is no better way than to compel them to studies and self-culture in order to enable them to earn a living by honest labor in the future. Accordingly, in Japan, while criminals are in prison, every possible encouragement is given to them to apply themselves to study, and every effort made to cherish hope in them; and as there is a special establishment which is under the control of the chief officer of the prison, and which is intended to afford an opportunity of work to prisoners who on account of their poverty have no means of livelihood after their term of imprisonment has expired, they are temporarily placed in that establishment, where they can earn a support till permanent work is obtained for them.

In regard to societies for aiding liberated prisoners, public sentiment recognizes their importance and expediency; but they have not yet been brought into existence in Japan. Recently a proposition was made by some benevolent persons to organize such a society, but the proposition has not yet been carried into effect.

The prevailing character of crime in Japan is theft, and the chief causes that lead to it are ignorance and poverty.

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CHAPTER XXXIX. — REFORMATORY INSTITUTION.

THERE is as yet no strictly reformatory institution for the young, but there is one somewhat similar; namely, a house of correction. The function of this house is to receive youths of bad behavior, in accordance with the desire of their families; to

give them employment, and to teach them reading, writing, and arithmetic as an agency to prevent them from entering into the path of evil. At present, the number of boys who have entered the institution is thirty, and eight cents are levied per day on those by whose request they are placed there to cover the expense of their clothing and food ; but those whose families are unable to pay such assessment are supported by the Government.

Young prisoners guilty of criminal offences, under eighteen years of age, are placed in a separate room, and their education, necessary to reform and lead them into the path of virtue, is the same as that of the boys guilty of bad behavior. The salutary effect which ought to come out of this system has not yet been observable.

## Book Eighth.

### MISCELLANEOUS POINTS.

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#### PART FIRST.

##### IDEAL SYSTEM OF INSTITUTIONS FOR THE PREVENTION AND REPRESSION OF CRIME.

##### CHAPTER I. — MINIMIZATION OF CRIME.

THE problem in hand is the minimization of crime,—how to bring criminality down to the narrowest limits. This problem has three terms: 1. How to secure a suitable education to all the children of the State. 2. How to save homeless, destitute, neglected, and vicious children from a first fall, or, if they have fallen, to lift them up again and rescue them from a criminal career. 3. How to bring adult criminals to a better mind and a better life through agencies applied to them during their imprisonment.

When these three questions are correctly answered, the whole problem of the prevention and repression of crime will have been solved. It is a problem that may well engage the interest and study of the highest statesmanship, since it concerns the order and safety of society, and the lives and property of men. As it unfolds itself in all its length and breadth, it will be seen to be among the foremost problems of the day.

The two master forces which have heretofore opposed and still oppose the progress of prison discipline and reform in our country are political influence and instability of administration, which stand to each other in the relation of cause and effect. In a majority of States the prisons form a part of the political machinery of the State. The interest of politicians has mainly controlled their management; while the interest of the people and that of the prisoners, which are really the same, have been practically ignored. With every turn of the political wheel there is a clean sweep of the officers in charge,—the adherents of the defeated party marching out and those of the victorious party marching in



to fill their places. The prison-systems of the Old World are not burdened with this weight, nor impeded by this obstruction ; nor is there any thing so incomprehensible to gentlemen connected with prison affairs in those countries as this state of things among us. Under such a system, — that is to say, a system of political appointments, — the whole theory of our penal and penitentiary legislation becomes well nigh a nullity ; and while inspection may correct isolated abuses and philanthropy relieve isolated cases of distress, broad, thorough, systematic, and above all permanent reform is impossible. To such reform it is absolutely essential that political control be eliminated from prison administration, and that a character of greater stability be impressed there-upon.

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## CHAPTER II. — SUPREME CENTRAL AUTHORITY NEEDED. — GRADATION OF INSTITUTIONS.

AS the work of minimizing crime, whether by way of prevention or repression, is one, no prison system can be perfect or successful to the most desirable extent without some central and supreme authority moderating, guiding, controlling, unifying, and vitalizing the whole. Therefore, the board of prison managers suggested in the preceding chapter should be invested with the general oversight and control of all places of detention, — jails, State-prisons, houses of correction, detention prisons, police-stations, reformatories, preventive institutions, etc., except such as may be exempt by special enactment.

The work of preventing and repressing crime should be organized in a gradation of institutions, extending, so to speak, from the cradle to the grave ; namely, the common school, the preventive institution under whatever name and of whatever grade, the reform school, the police-station, the detention prison, the prison for young criminals, the house of correction, the woman's prison, and the State-prison.

The first-named of these — the common school — does not properly belong to the present work, and therefore I only remark concerning it, that, though not in its primary intent an institution preventive of crime, it is nevertheless in its operation and effect eminently so. Ignorance as a crime-cause, proximate if not ultimate, is conspicuously shown in the statistics collected and published by the late International Prison Congress of London. Carefully compiled statistics for the State of New York show that one-third of the crime is committed by one-fiftieth of the population : in other words, that the criminality of the illiterate,

as compared with that of the educated, is as sixteen to one; so that the man with some education, including of course the moral as well as the intellectual part of his nature, is sixteen times less likely to be convicted of crime than he who has none. Now it is the interest—that is, the duty—of the State to furnish the needful education to all her children. This is a duty which the State owes to her children, to herself, and to posterity. Charity, prudence, statesmanship, and public policy all demand it. But when the needful education has been provided, not all the children, nor all the parents, choose to avail themselves of the opportunity thus held out. The question arises, What is to be done in such case? The answer is, Establish compulsory education, and by adequate agencies enforce it. It is better to force education upon the people than to force them into prisons to pay the penalty of crimes of which the neglect of education has been the chief cause.

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### CHAPTER III.—PREVENTIVE INSTITUTIONS.

IT is a maxim, trite but true, that the prevention of evil is easier and better than its cure; and in nothing is this maxim more true than in relation to crime. To destroy the seeds of crime, to dry up its sources, to kill it in the egg, is better than repression,—better even than reformation of the criminal. But after all that the best organized and best administered system of public instruction can accomplish, there will remain a considerable residuum of children (it cannot be, to-day, in the United States, less than half a million) whom these systems will not reach. Their destitution, their vagrant life, their depraved habits, their ragged and filthy condition forbid their reception into the ordinary schools of the people. It is from this class that the ranks of crime are continually recruited, and will be so long as it is permitted to exist. They are born to crime, brought up for it. They must be saved.

But how is this to be done? A whole series of preventive institutions is required for the work,—the infant nursery, the infant or kindergarten school, the orphan asylum, homes for the destitute, day industrial schools in which food and instruction only are supplied, industrial boarding-schools in which lodging and clothing are added to these, apprentice schools, and patronage societies in aid of apprentices. Institutions of this kind should be multiplied tenfold. Into these shelters and retreats should these unfortunate children be gathered to receive that mental, moral, religious, and industrial training not otherwise

attainable by them, and thence to be sent out in due time to good places, on farms or in workshops, where they will grow into virtuous and useful citizens; thus adding to, instead of preying upon, the productive industry of the country.

I desire to emphasize the high importance which attaches to the industrial or professional training of the classes of children referred to in the preceding paragraph. Among the most fruitful of crime-causes is, beyond all question, the lack of just such technical training, — in other words, the want of a trade. The creation of apprentice-schools to this end cannot be too much encouraged. They ought to share largely in the attention and bounty of the legislature. Legislators cannot, without a dereliction of duty, refuse to interest themselves in the trade-education of the children of the poor, whose labor must be their sole source of support, and their only, or at least their chief, defence against crime. If it is the duty of society to establish the primary school, that all may have an opportunity to learn to read and write, is it less its duty to see that at least all destitute, homeless, and neglected children be taught some trade or business? If it is just to inscribe among the obligatory expenses of the State those of primary instruction, it seems no less just to place there the cost of trade-instruction, where it is necessary to secure such instruction to the unfortunate child. Apprentice-schools should therefore be established in sufficient numbers to insure the professional education of all such children as are included in the present reference. Charity must watch over all such children, and the law must furnish it the means of accomplishing its work, in spite of the indifference or even the opposition of parents and of all other adverse circumstances.

The question arises here, whether the State should itself fulfil this task by centralizing in the hands of its official agents the aid and instruction to be given to destitute and deserted children? This question must be answered in the negative; for something more than money is wanted in a work of this kind; namely, the sympathy of loving hearts and the zeal of private charity, whose activity the State only needs, by moderate subsidies, to stimulate and encourage.

This last is the plan on which the whole vast system of industrial and reformatory schools (some two hundred in all) is organized and managed in Great Britain, — organized and managed with such admirable skill and efficiency, that there has been during the last twenty years throughout the whole of England a gradual but sensible diminution of crime; which has been most apparent in Gloucester county, where to-day they have one jail in place of the seven with which the county was supplied thirty years ago, and an average daily aggregate of one hundred and seventy prisoners against eight hundred and seventy at the



earlier date. The sort of institution now under consideration is generally in England the outcome of private benevolence. Individual citizens or a charitable association establish the school, and have it examined by the Government inspector. If the requisite conditions have been complied with, the school is "certified" by the administration, which thenceforth pays a fixed sum per week for each child, — the land, buildings, furniture, and all other needful appointments having been previously provided by private charity. In other words, the Government, having a grave duty to perform in respect to certain classes of children, makes use to that end of an agency by which it can do its work both cheaper and better than it could accomplish the same thing by any official action of its own; the agency, that is to say, of private charity and zeal. The State does not supervene to modify or direct in any manner or degree the conduct of the school, but restricts itself to such inspection and supervision as may insure compliance with the conditions on which its grants of money are made.

To sum up this article now, we affirm that, —

1. The State should assume the control of all young persons under the age of fourteen, who are without proper guardianship.

2. The State should delegate the guardianship of all such children either to individuals who undertake to adopt them into a family, or to corporate bodies selected by the citizens, who undertake the charge of these young persons in home institutions, known as industrial schools, asylums, retreats, homes for neglected children, or by whatever other designation they may be called.

3. The State, while delegating parental authority to such persons or bodies, will lay down the conditions which are to be fulfilled by them, and will exercise such inspection as will enable it to judge whether the required conditions have been complied with.

4. These conditions having been fulfilled, the State will make such allowance for each child as may be agreed upon as necessary.

5. All industrial schools, by whatever name called, should develop, so far as possible, the conditions of a home.

6. The normal place of education for such children is the fields. Let such institutions then, so far as possible, be in the country, and be entirely disconnected from institutions for the treatment of pauperism and crime. Let them be adapted to prepare their inmates to be respectable, self-supporting citizens; and let different departments be arranged for girls and for boys.

7. It will be preferable to have a number of small institutions, having from forty to sixty inmates each, in different localities, instead of a few of monster proportions. More voluntary effort,

more individual interest, more sympathy and zeal will thus be called forth.

8. The infant schools should be entirely under female management, and the industrial schools for boys should have matrons. Ladies as well as gentlemen should be on the boards and the executive committees.

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#### CHAPTER IV. — REFORMATORY INSTITUTIONS.

THE juvenile reformatory is intended, not like the preceding class of institutions for children who are in danger of becoming criminals, but for those who have actually committed criminal acts. Nevertheless, with the exception that the persons committed to them must in all cases be held night and day till some legal disposition has been made of them, they are to be organized and managed on substantially the same principles as industrial schools. There are three methods of organizing such institutions; namely, as a work of private charity exclusively, as a work done by State agency exclusively, and as a work in which private initiative and management are combined with State aid and supervision.

The first was the form universally adopted at the beginning of such efforts, and is extensively practised to-day on the continent of Europe. The second is the prevalent form in the United States. The third is the form adopted and practised in England with absolute uniformity, or with exceptions so rare (two only in the whole kingdom) as to be of no practical account. We have one example of this form of organization in the United States, — the Girls' Reform School at Middletown, Connecticut, whose condition and success afford to the authorities in charge unqualified satisfaction. Preference should be given to such institutions over purely State schools for these among other reasons: —

1. This principle places the control of the institution in the hands of its tried and best friends.

2. It shuts the door against all outside interference in the management, except in cases of manifest abuse.

3. It gives greater intensity and power to religious influences.

4. Such institutions will, in the end, be more certainly and liberally provided with the means of sustenance and growth, since they will enlist a wider circle of friends; legacies will be left to them; individuals will erect memorial homes; and associations and families will send their yearly contributions for festivals, libraries, and prizes.

5. Political influence will be little felt, and the needful freedom from change in the administration will be secured.

6. The union of public and private action offers strong inducements for the multiplication of such schools. Let it once be known that it is the policy of the State to encourage private gifts by a pledged stipend sufficient to support, wholly or in part, any well-managed reform school, and benevolent individuals, religious bodies, charitable associations, and municipal corporations will be willing to incur the first cost wherever a real want exists for such an institution.

If private bounty is willing to shelter and clothe these incipient criminals, shall not the State aid in their reclamation, by supplying the means to feed and educate them? We answer by an emphatic Yes! and take the ground that where the want of parental guardianship is supplied by private benevolence the State should do her part in the work of reformation, by making a moderate *per capita* allowance to reform schools or houses of refuge established by private and philanthropic enterprise. Such is the plan adopted in England, where the Government interferes as little as possible with the ordinary superintendence, prescribing certain general regulations, but leaving the appointment of the officers and the details of the management to the local boards or committees. The State may be said to contract, on certain terms, with the several institutions for the work which it wants done; and so long as the work is fairly performed the State exercises no further interference than to satisfy itself of the fact.

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#### CHAPTER V. — THE LOCK-UP. — THE COUNTY JAIL.

WE come now to the treatment of adult criminality. Here the first institution of the series is the lock-up, which has been sufficiently considered in Book II. Part I, chapter xvii., to which the reader is referred.

The whole system of county jails in the United States is a disgrace to our civilization. It is hopelessly, irremediably bad, and must so remain as long as it exists under its present form. It needs, not improvement, but revolution; not modification, but reconstruction. De Tocqueville, half a century ago, pronounced our county jails "the worst prisons he had ever seen," and there has been little marked improvement since. The system is wasteful of time, wasteful of opportunity, wasteful of money; *and it does not reform*. The moral atmosphere of these prisons is foul; no fouler exists anywhere. It is loaded with contagion. The contact of their inmates is close, their intercourse unrestricted, their talk abominable. The effect of such promiscuous association is



to increase the number of criminals, and to develop and intensify their criminality. The lessons taught are contempt for authority, human and divine; hostility to law and its officers; the delights of vicious indulgence; the duty of revenge upon society for imaginary wrongs; the necessity of craft, of daring, of violence if need be, in the commission of criminal acts, and of sullen submission to punishment if caught; the hopelessness of all efforts at amendment; and the best methods of success in criminal undertakings. Thus this country has in its county jails about two thousand schools of vice, all supplied with expert and zealous professors. The condemnation of the system may be pronounced in a single sentence, — it is an absurd attempt to cure crime, the offspring of idleness, by making idleness compulsory; and to teach virtue, the fruit of careful and painstaking moral culture, by enforced association with those who scoff at virtue, duty, and religion.

But the essential point is the remedy for a state of things at once so disgraceful and so pernicious. It may be said, and it might better be curtly and plainly said, that there is no remedy so long as the State ignores and evades its responsibility for the treatment of all offenders against State laws; for the counties — owing, on the one side, to the smallness and sparseness of their populations, and on the other to their limited resources — are incompetent to discharge this function. This fact explains the reason for a remark already made, that our county-jail system cannot be *improved*, but must be *reconstructed, revolutionized*. The State has assigned to the counties a task impossible of execution by them; it must put its own shoulder to the wheel. The very first step towards a reform of the system must be the assumption by the State of the custody and control of the entire body of convicts, of whatever grade, — misdemeanants as well as felons. The county prison proper should be a simple house of detention for the safe custody of prisoners awaiting examination or trial, or of prisoners *in transitu* after conviction; though there might, perhaps, be superadded the function of punishment, so far as to give for a first offence a short, sharp notice against the commission of criminal acts. Cellular separation is the only régime proper to prisons of this sort, and that as regards both classes of prisoners just named: the latter, because a first punishment ought to be strongly deterrent, a real intimidation; the former, because persons merely suspected of crime and not yet proved to be criminals have a right to be protected against contamination; and if they are really guilty, others have a right to be shielded from their corrupting influence.

## CHAPTER VI. — BASES OF A REFORMATORY PRISON DISCIPLINE.

**P**RISONS for punishment, as well as their inmates, should be classified, or graded ; so that there shall be prisons for young criminals, prisons for men guilty of minor offences, prisons for women, and prisons for men guilty of the higher crimes. But before proceeding to a detail of the principles and methods on which these institutions should be severally organized and managed, it will be proper to offer a general idea of the bases on which a prison system should be constructed, and the agencies by which it should be worked, as repetition will thereby be avoided, and the whole subject be presented in a clearer and more satisfactory light.

The protection of society by the prevention and repression of crime is the supreme object of all child-saving as of all penal institutions ; but inasmuch as society is best protected by the reformation of its culprits, this is declared in the penal codes of most, if not all of our States, to be a primary end of public punishment and prison discipline. Whether criminals are susceptible to reformatory influences and may be lifted out of the abyss into which they have fallen is no longer an open question. Experience has demonstrated the fact, and all authority worthy of the name utters its voice to the same effect.

Now what are the essential bases of a reformatory prison discipline ?

Such a system must work with nature, not against it ; and this is its first essential basis. The Creator has impressed indelibly upon the human soul certain great principles. Of these the most deeply-rooted, the most active, the most potent, and the most beneficent are hope and sociability. We must not crush out of the man by our modes of prison discipline these primal and essential elements of humanity, but rather seek to guide, control, and mould them to our purpose.

Hope is the master-spring of human action. Without it even the good can scarcely retain their goodness ; without it the bad cannot possibly regain their virtue. It must be implanted in the breast of the prisoner the first hour of his incarceration, and kept there as an ever-present and living force. Hope is the great inspiration to exertion in free life. Why should it not be made to fulfil the same benign office in prison life ? Can any thing else supply its place ? Hope is just as truly, just as vitally, just as essentially at the root of all right prison discipline, as it is of all vigorous and successful effort in free life. Undoubtedly, the first stage in a criminal's imprisonment ought to be made in-

tensely penal; it should be such as to produce in him a profound impression that "the way of the transgressor is hard." Cellular separation is the mode of imprisonment best adapted to this stage; but even amid the stern discipline of isolation, justice must be tempered with mercy, and hope made to shed its cheering and invigorating light on the prisoner. Amid these rigors it should be impressed and re-impressed upon him that his destiny is placed to a great extent in his own hands; and this assurance he should find on emerging from his solitary cell to be not an illusion but a reality. Manifold inducements to industry, lesson-learning, and obedience should be held out in this second stage of his imprisonment,—shortening of sentence, increased percentage of earnings, improved dress and dietary, a gradual lifting of restraint, a gradual enlargement of privilege, etc., with the intermediate stage of moral imprisonment, almost indeed of absolute liberty, looming up before him. Thus would the bracing stimulus of hope be kept ever active, and the prisoner would be encouraged and quickened in a course of vigorous self-restraint, self-conquest, and self-culture.

Sociability is the second of the principles named. It is among the strongest instincts of humanity. It constitutes one of the vital forces of society, a main-spring of its progress in civilization. Why may it not under proper regulation be made equally beneficial to prisoners? It was Maconochie, the most profound of thinkers, the most philosophical of writers on penal subjects, who said: "Man is a social being; his duties are social; and only in society can he be adequately trained for society." Thus only, it would seem, can a suitable field be provided for the voluntary cultivation of active social virtues and the voluntary restraint of active social vices. To prepare men for society in society appears to be just as necessary as to prepare them to be seamen on the sea or engineers in the woods and fields. Moral lessons, like navigation and engineering, require a field of progressive experimental application. Books, counsels, exhortations, are not enough. There must be friction, the contact with temptation, and the toning up and hardening of the character, which result from the habitual and successful resistance of temptation. It is objected that the intercourse of prisoners is corrupting. Not necessarily so. The nature and conditions of that intercourse must be considered. Promiscuous, unchecked intercourse of prisoners is demoralizing to the last degree. But this corrupting power of association may be counteracted; nay, such association may be converted into a means of moral amendment by being subjected to virtuous direction and counsel.

The social relations and sentiments as noticed above are the main-springs of human improvement. It is by them that the heart is stirred. It is by them that warmth and energy are im-



parted to the character. Man droops and pines in solitude, whether that solitude be created by a physical or a moral separation, — by walls of granite or a wall of absolute and continual silence. No sound excites like that of the voice of his fellow-man. This imparts strength to dare, to do, and to suffer. Upon the whole, then, the conclusion is that the best system of prison treatment is not one which thwarts Nature, but one that employs her as an auxiliary.

The second essential basis of a reformatory prison discipline is a union of wills between the prison keeper and the prison inmate. It is indispensable that the will of the convict be gained. He is to be amended ; but how is such a thing possible with his mind in a state of hostility ? No system therefore can succeed in reforming the criminal which does not secure a harmony of wills between officers and prisoners, so that the prisoner shall choose for himself what his officer chooses for him. But such a result can never be attained except where the officer really chooses, and wisely and steadily pursues the good of the convict. There must be, not on the lip but in the heart, a benevolent consideration of the convict's best interest. Nor is this at all inconsistent with the conscientious discharge by the officer of his duties to society, since in effect society's and the convict's interests instead of being antagonistic are identical. The prison may be made an effective school of reform without in the least impairing its discipline ; for the conviction has a solid basis to rest upon, that society is best served by saving, not sacrificing, its criminal members.

A third essential basis of a reformatory prison discipline is a system of reliable tests, which may serve as a guarantee to employers of the reality of the reformation claimed for the liberated prisoner. The problem is how to effect the reabsorption of reformed criminals into virtuous society. Such reabsorption is an indispensable condition of the permanence of even genuine reformation. An army of convicts is every year discharged from prison. Society distrusts and refuses to employ them. How can that distrust be overcome ?

There are just two elements in the solution of this problem, — the *bona fide* reformation of the convict and a *bona fide* guarantee of his reformation that shall satisfy the public. His reformation is to be effected by processes to be applied to him during his imprisonment. But the guarantee, — how is that to be had ? How is his moral cure to be tested ? — for *a test there must be*. Such test is indispensable to any general readiness on the part of the public to take him into its employ. He leaves the prison reformed, but he fails to get work. Why ? Society has no confidence in him ; and, what is more to the purpose, it has no guarantee for its confidence. It is this want of confidence that builds a wall of

granite between the released prisoner and honest bread. Conquer the distrust of society, replace it with confidence, furnish the required guarantee that the man is *trustworthy*, and all difficulty will vanish ; every workshop, factory, and farm, all the avenues of honest toil and profit will be open to his entrance.

But the question is, How overcome the dread of him felt by society, how quiet its fears, how conciliate its favor? There is but one road to this result: the convict must furnish proof during his imprisonment that it is safe to trust him ; his cure must be tested and shown. Now this cannot be done where the system is one of material isolation to the end ; nor can it any more be effected where the system is one of moral isolation to the end: there must be some field, some opportunity for the trial. But such a theatre can be afforded neither by the cellular system nor the associated silent system as now conducted. Both must be in part retained, in part discarded, in part modified. They must be so modified that the passage from imprisonment to freedom shall no longer be by a single bound, but in such manner that the former shall gradually, almost imperceptibly, melt into the latter. The system must be such that the last part of the imprisonment shall be little more than moral ; in which, so far as may be, all the arrangements shall be those of ordinary life, with its trusts, its temptations, its motives, its responsibilities, its victories over self and sin, and its silent strengthening of the whole character by the friction to which the man is subjected.

The three propositions in which we have stated the essential bases of a reformatory prison discipline seem self-evident truths, moral axioms, as indisputable as the axioms of geometry, since a perverted nature can never be righted through a contravention of Nature's laws ; since a man who has fallen away from virtue can never be restored to it against his will ; and since society will not, as a general rule, employ men who have shown themselves untrustworthy till they have given evidence of such a change of character as again to render them trustworthy.

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#### CHAPTER VII. — AGENCIES TO BE USED IN REFORMING CRIMINALS.

THE first is a hearty desire and intention on the part of the prison officers to accomplish this result. Such desire and purpose, really entertained and acted upon by all these officials, would revolutionize prison management ; it would change the

whole spirit and tone of prison administration. This accomplished, the fit processes will follow as a matter of course. It is not so much any specific apparatus that is wanted, as it is the introduction of a really benevolent spirit and of common-sense into our prison work. Once let prison officers understand and feel that their business is to reform and not merely to punish their prisoners, and let their desire and purpose be conformed to such conviction, and they will speedily become inventive of the methods conducive to that end. Right processes will follow right principles as naturally as the harvest follows the sowing.

Equally essential is a serious conviction on the part of prison officers that prisoners are capable of being reformed. This belief is indispensable to success, for no man can heartily maintain a discipline at war with his inward beliefs. No man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is an element of failure; belief a guarantee of success. Nothing so weakens moral forces as unbelief; nothing so strengthens them as faith. "Be it unto thee according to thy faith" is not a mere dictum in theology; it is equally the statement of a fundamental principle of success in all human undertakings, especially when our work lies within the realm of mind and morals.

Greater use than heretofore should be made of moral forces, and less of those which are merely physical. By physical forces is to be understood whatever is intended to coerce; by moral forces, whatever offers a choice, and thus strengthens the will while guiding it. The essential distinction is that between force and persuasion, — between fettering the body and gaining the soul. There needs to be introduced into prison discipline a higher aim, — a treatment which seeks to gain the will and not merely to coerce the body. What is wanted is that prisoners be trained to become honest and industrious freemen, and not merely that they be reduced for a time to the condition of well-ordered and obedient bondmen. All past systems of prison discipline have been in the main but modifications of force. Authority has been their chief, too often their exclusive, reliance. The result, so far as reforming criminals is concerned, has been failure. Let *organized persuasion* now have a trial; not coaxing, not pampering, not indulgence, not a diletante system of treatment which is as false as it is feeble, but persuasion, with such forces behind it resulting from a judicious application of motives as, while leaving the will free, will yet by a sort of moral necessity determine it to a right choice.

Let us briefly indicate two or three of those moral forces whose use would be likely to be attended with good results. (1) The ability of the prisoner to better his condition while in prison through his own exertions — in other words, a regulated self-



interest — is one of the mightiest as well as healthiest of these forces. This can be effected only by a system of progressive classification, whereby the prisoner will be enabled during his incarceration, through industry and good conduct, to raise himself step by step to positions of increased freedom, privilege, and comfort ; while idleness and disobedience on the other hand keep him in a state of coercion and restraint. (2) The cultivation of the prisoner's self-respect develops a moral force of great potency. Self-respect is one of the most powerful sentiments of the human soul, for the reason that it is the most intensely personal. Hence the maxim, "Do not further degrade in prison the man who has come to it already degraded by his crimes," should be constantly and carefully applied in prison treatment. Therefore cast aside the parti-colored dress, the lock-step, the exhibition of the prisoner for a fee, and call him by his own name instead of a number, which robs him of his personality and reduces him to an abstraction. No prison administrator will ever beneficially influence his wards, who does not seek to strengthen in them this sentiment of manhood and personal dignity. (3) "The law of love and love in law" — in other words, kindness duly regulated — is a moral force of almost unlimited power. But the kindness suggested is not that which seeks merely or mainly to alleviate present suffering. It is rather a prudent, forecasting kindness, which seeks to lift the prisoner up, to strengthen his manly qualities, and to prepare him for the battle of life. This spirit, once introduced into our prison management and possessing itself of the hearts of our prison officers, would prove both inventive and creative in their hands. It would find or make means to accomplish the reform of the prisoners, and when one agency proved abortive, it would have recourse to others ; it would not be wholly balked. A liberal application of "the law of love and love in law" to prisoners is not incompatible with a calm, steady, resolute discipline. Tenderness may be fitly and fruitfully blended with justice. It is not against the rigors of justice that the prisoner rebels, but rather against capricious harshness, which vexes and irritates for the very reason that it lacks the element of justice. Criminals are not more accustomed to kindness, and therefore they are the more touched by it. Show them that you have a genuine sympathy, a kindness that has its seat in the heart, and their sensibility is instantly awakened. There lies a regenerative and redemptive power just here, which no degradation can crush and no depravity obliterate.

Individualization is a fourth essential agency in a reformatory prison discipline. To insure the highest improvement of prisoners they must be, like children of the same household, to a certain extent treated individually. Though all must be placed under the same general law, the conduct of each as directed by

it should be specially noted, and his treatment modified, so far as may be, according to his own individuality. Each prisoner should be informed from time to time (and the intervals ought not to be too long) of the light in which his conduct is viewed by those placed over him; for thus only, as his good purposes strengthen, will he be enabled to correct that wherein he may be noted as deficient. To facilitate the study of individual character, prisons should not be too large. In my opinion four hundred is the maximum for effective treatment, and a less number would be better. The warden should be able to know, and should know, personally each individual under his care.

Indefinite sentences — that is, sentences not to run for a fixed time, but till reformation — would, in my judgment, prove an effective agency in the reform of prisoners. This proposition may have a rather startling sound to some minds; but reflection, I think, will modify any unfavorable first impression. The principle as here stated was first announced by Mr. Frederic Hill, in one of his reports as government inspector of prisons for Scotland. Maconochie's idea was substantially the same, but formulated in a different manner. He did not propose the imposition of a sentence indefinite in form, but only in operation and effect. His sentence took the shape of marks — so many hundred or so many thousand good marks — to be earned by industry, study, and general good conduct, as the sole condition of release. The effect of such a sentence would be, of course, to destroy fixity as an element in its duration, and to render it as indefinite in fact as if it had been made so in form. In like manner Archbishop Whately recommended, that, instead of a certain period of time, the convict should be sentenced to a certain amount of work, which also introduced an element of indeterminateness into the duration of the sentence, though far less than either of the other propositions cited. The question is, Is the principle of indefinite or reformation sentences fair and just? The question of its practicability is put aside for the moment, and we are to consider simply the justice and policy of the principle, assuming it, for argument's sake, to be practicable. Now, what end do we propose in public punishment? — The diminution of crime. But this is to be sought mainly in the reformation of the criminal. It is therefore a legitimate, not to say necessary, exercise of human authority to detain him till that effect is accomplished. Dr. Despine of France, one of the deepest thinkers on penal and penitentiary science, goes so far as to say that the use of this principle will become a necessity, whenever a really reformatory system of prison discipline comes to be generally introduced and pursued in sober earnest. Again, a criminal is a man who has committed an offence and deserves punishment. But he is also a man morally diseased and needs a cure. The prison is intended

to effect both these ends, — the punishment and the cure ; nay, to effect the cure by means of the punishment. Now, as it is clearly impossible to predict the date of a sick man's restoration to bodily health, so it is no less impossible to foretell the day when a moral patient will be restored to moral soundness. So that by fixing the duration of the sentence in this latter case we run a double risk ; namely, on the one hand of turning the criminal loose on society before he is cured, and on the other of detaining him after he is cured ; so that by making his release depend on the mere lapse of time we are almost sure of committing a wrong on one side or the other, — a wrong to society, or a wrong to the prisoner. Still again, the protection of society is at once the end and the justification of imprisonment. But society is not protected by the criminal's imprisonment unless he is reformed by it. There is the same reason therefore for keeping as for putting him in prison, until there is a moral certainty that, if set at liberty, he will not go out to prey upon honest people and despoil them of their property. In such a case, the end for which he was imprisoned (the protection of society) fails utterly ; the State is cheated of its due benefit, and receives absolutely nothing for all the trouble and expense it has incurred in his apprehension, trial, conviction, and incarceration. Once more, experience has shown that it is impossible to adjust penalties to degrees of guilt, and that standards of punishment are more easy to imagine than to realize. In what principle, then, can we find relief but in that of reformation or cure ? But since a cure cannot in any case be predicted with absolute certainty, and since if it could the time required for its accomplishment cannot be measured in advance, no alternative seems left except that of sentences undefined in extent. We do not set the madman free till he is cured of his madness ; neither can we safely, nor even justly, set the criminal free till he is cured of his proclivity to crime. As the safety of society and the good of the lunatic require that his confinement should be regulated upon this principle, so equally do the safety of society and the good of the criminal require that his detention should be adjusted upon the same principle. Indeed, the justness of the principle must, it would seem, strike every mind the moment it is announced.

The difficulty felt by all is as to the possibility of applying it. Certainly this could not be done while politics govern our prisons, nor until their administration is placed permanently in the hands of competent men. Still I confess myself to be of the number of those who believe that God never made a truth into which he did not put a power which sooner or later would cause it to prevail. But it is not likely that so great a change as that of determinate to wholly indeterminate sentences can be made on the sudden, nor would it be desirable if it could. The principle must



first be applied (perhaps always) under limitations. The courts must assign a maximum duration to the punishment, and within that term leave the time of release discretionary, — just as is now done in the case of juvenile offenders sentenced to reformatory institutions. This is what has been done, as we have seen, in the Act regulating discharges from the new State Industrial Reformatory at Elmira, N. Y.

But it may fairly be asked, How is the fact of cure to be ascertained? There cannot, I think, be much more difficulty in forming a correct judgment of the cure of a criminal than of that of a madman, supposing the judges to be in each case equally competent by the possession of the requisite knowledge and experience. At any rate, all that can be aimed at is to secure a strong presumption in favor of reformation before the prisoner shall go free; and after he is set at liberty the law must still keep its grasp upon him till the maximum period of his detention is exhausted. This strong presumption is the only proof of which the case admits with respect to either the insane or the criminal. Indeed, on careful analysis, all moral certainty resolves itself into a high degree of probability, — such a probability, says Beccaria, as justifies us in acting upon it.

After all, the method of Maconochie has much to recommend it, since on that plan the sentence is in marks to be earned, and is therefore indefinite only in effect and not in form, — an indefiniteness further increased by the fact that the marks are made to perform the function of money in paying for all the prisoner requires (food, clothing, schooling, etc.); and only the surplus that remains — the savings, so to speak, after meeting all these expenses — count towards his liberation. Under this system the prison necessarily becomes to a certain extent an image of real life. It is a system which gives to the prisoner an object of pursuit worthy of his best ambition and his best efforts, by making his release depend on the conduct and character evinced by him, on his diligence in labor and learning, and on his self-command and self-culture; and he is thus lifted into a moral atmosphere higher, purer, and more bracing. In the presence of such an object all his manly energies are called out. Time, which under the system of determinate sentences is his greatest enemy, now becomes his best friend and ally. Idleness is shunned, distractions are repressed, industry is courted. Evasion of duty brings its own punishment by lengthening his term of sentence; and it is a consideration of the highest moment that the impulse to exertion is thus moral instead of physical, — that it comes from within rather than from without. This accustoms the prisoner to act for himself instead of being led or driven by others. It prepares him, moreover, to meet subsequent temptation in the great world without. And the habit of self-control and self-

guidance thus formed in prison will be likely to remain with him after his discharge, and will of itself more than compensate for all the sacrifices it may have cost him to acquire it.

Of all reformatory agencies religion is first in importance, because most potent in its action on the human heart and life. To Moses Pilsbury, one of the most distinguished prison officers of the last generation, the question was put: "What do you think of a prison without a chapel where the convicts can be assembled on the Sabbath for worship and Sunday-school instruction, and on week-days for morning and evening prayers?" His reply was: "It is like a ship laden with a rich cargo and sent to sea without rudder, compass, or chart." This puts the supreme importance of religious teaching in prisons in a light as clear as it is striking. Religion is the only power able to calm that restless irritation of vice which saps the moral forces of these men of strong impulses, whose neglect of its teachings has been the cause of their being immured within prison walls. Reference is made in the answer of Mr. Pilsbury to the earlier practice of daily religious services in our prisons,—a practice which might, with great fitness and the best results, be revived and restored. Such is the practice in European prisons, both English and Continental.

Education must have a large development in a penitentiary system designed to be reformatory in its action upon the prisoners. Its effect is to quicken intellect, give new ideas, supply food for thought, inspire self-respect, excite honorable ambition, open new fields of exertion, and thus afford a healthful substitute for low and vicious amusements. Need more be said to show its great value in this work? The work of the prison-keeper is pre-eminently a work of education in its broad sense of educating, developing, bringing out what is in the man. In pursuing this end he ought to show himself an educator full of wisdom, solicitude, and zeal, by giving to each prisoner the special instruction and training of which, according to his condition and character, he stands in greatest need.

Labor is a prime agency in every reformatory system of prison discipline. It was a favorite maxim with Howard, "Make men diligent and they will be honest." Unless prisoners acquire during their captivity both the will and the power to earn honest bread,—which can be done only by imparting to them the love and the habit of industry,—the chances will be many of their return to crime after their release. But this is a proposition admitted by all, denied by none.

The mode of organizing and managing the labor of a prison is a question of no little importance in the study of this subject. Prison labor must not be of the crank or the treadmill, not a mere "grinding of the wind." Useless labor is as demoralizing to a prisoner as it would be to a free man. Further, a free choice of

labor by the prisoner is an essential condition of a reformatory prison discipline. Therefore, as in Maconochie's plan, the details of the discipline might better be such that if the prisoner work, study, and behave himself to the satisfaction of the authorities, he will not only have a comfortable support, but be able to accumulate the marks necessary to insure his discharge ; whereas, on the other hand, if he be idle and disobedient he will suffer hunger and other inconveniences, — as it similarly happens to the diligent and the lazy outside. Now when a prisoner under this sharp but natural spur begins to exert himself, he does so by an act of his own will. It is an inward impulse, not a mere outward pressure, that moves him. This little circumstance—little in appearance, not in reality—makes all the difference between an automaton and a man. The process which under these circumstances induces in the prisoner habits of labor is a process by which his self-respect, self-control, and self-reliance are strengthened : and this is precisely what is wanted to make him a better man and better citizen. It is to no purpose that he is forced to work by an external coercion, for when the coercion is withdrawn and he is again free, he will be what he was before. The force which impels him to labor must be an inward power that will abide with him after he leaves the prison, and will control his subsequent life. It avails little that *you* force him to work ; he must force *himself* to work under the double impulsion of hunger and self-interest.

While industrial labor in prisons is of the highest utility and value, I regard the contract system of prison labor as generally prejudicial alike to discipline, finance, and the reformation of the prisoner ; but I cannot favor a change to State management of such labor so long as our prisons are made the football of party, and the agents of their administration are changed almost with every change of the moon.

To secure the spirit and manner of administration sketched in the foregoing detail the most vigilant inspection and oversight are required. "The dark places of the earth are full of cruelty," and prisons are exceeding dark places in the sense of being screened from observation. Prison walls are as effectual in keeping critics out as in keeping culprits in. The class of officials who look upon the inmates of their institutions as mere subjects for discipline and severity have a thousand ways of evading any real supervision, any searching scrutiny. It is very necessary that the interiors of prisons should be watched, and subjected to perpetual and vigilant observation. It is very necessary that impartial men—holding office not for fee or reward, but from motives of philanthropy, and appointed by an authority possessing the highest repute for wisdom and independence—should be invested with powers of inspection and oversight which would



authorize them to look into the interiors of prisons, to scrutinize them closely, and to make themselves acquainted with the whole economy of treatment and with the spirit in which it is conducted.

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#### CHAPTER VIII. — PROFESSIONAL EDUCATION OF PRISON OFFICERS.

THE need of trained and thoroughly qualified officials for prison work is coming daily to be more and more recognized the world over. The reformation of fallen humanity is a work as complex, delicate, and difficult, demanding qualities of head and heart as high and broad, as any ever committed to the hand of man, and as worthy of being raised to the dignity of a profession as any other within the wide range of human employment. If law, medicine, and divinity; if sculpture, painting, and music; if engineering, military command, and school-keeping, — if these callings and even every handicraft that requires manual dexterity demand a special technical education in those who devote themselves thereto, why not equally the work and calling of a prison-keeper, whose proper business — the regeneration and redemption of fallen immortals, the cure of souls all sick and leprous with sin — is the peer of any of them, and the superior of most, in the dignity, grandeur, and beneficence of its aims? M. Demetz, the founder and for nearly forty years the head of the agricultural penitentiary colony of Mettray in France, and the highest authority in the world on this subject, — for he founded his training-school before he opened his penitentiary, and continued it to the day of his death, — has declared his opinion in these words: "As there is no good penitentiary system without aid to discharged convicts, so there is no good penitentiary establishment which does not create a nursery of agents from which to recruit its staff. The men who are needed to implant the love of goodness in vicious natures are not improvised; and moral transformations are obtained only through persevering effort and an enlightened zeal." We do not then hesitate to affirm the proposition that whenever, through the elimination of party politics, the necessary stability shall have been given to our prison administrations, it will become the duty as it will be the interest of the several States to organize some agency for the special education and training of prison officers, from which the prisons and reform schools of every grade may replenish their respective staffs. Such agency will be likely to be most effective as well as practical and practicable, if established in connection with some good prison. It will then also become

necessary so to increase the salaries of this class of public servants as to secure constant supplies of able and well qualified men for this most important and useful service. At the same time the subordinate officers — the overseers or keepers — ought to be skilled mechanics, so that they may discharge the function of trade-instructors to the prisoners.

By giving to prison officers and employes a special education for their work; by impressing a character of stability and permanence on the prison administration and the tenure of office; by making the keepers trade-instructors, and by gradually increasing the salaries of the officials till they reach a maximum sum sufficient to insure an independent living to men honest, devoted, and of a certain intellectual value, — the result of the penitentiary system will become as certain as things human can ordinarily be made.

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#### CHAPTER IX. — CARE OF DISCHARGED PRISONERS.

THE London Congress declared that the prisoner on his discharge should be systematically aided to obtain employment. This is the demand at once of justice and of policy: of justice, because it is the State's duty not simply to raise the fallen man, but to help hold him up when once he is on his feet; of policy, because it is cheaper to care for him as a discharged prisoner than to care for him when reimprisoned for a new crime. The State may discharge this duty by an agent of its own, or through the instrumentality of a prisoners'-aid society. This latter must be regarded as the best mode; because the work will be done more heartily, more broadly, more effectively, and more cheaply: more heartily, because private charity is more sympathetic than official duty; more broadly, because the aid associations for the State would have branches or committees wherever there was a prison; more effectively, because a larger number of workers would be enlisted; more cheaply, because the moderate subsidies granted by the State would be largely supplemented by private benevolence.

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#### CHAPTER X. — THE JUVENILE PRISONS.

I RESUME at this point my exposition of the machinery of our preventive, reformatory, and punitive systems, — if that is the right word by which to designate the series of institutions designed to effect the diminution of crime. I have given my

opinion as to preventive institutions, reformatories for children and youths, and police and detention prisons, — these last two classes of prisons being intended for the confinement of adult criminals prior to their conviction and sentence. I now proceed to give my views as regards the system and series of prisons designed for the treatment of persons convicted of crime and undergoing sentence.

From the statistics of our State-prisons it appears that fully one-fifth of their inmates are minors, and that more than one-half are under thirty years of age. The tendency of crime seems to have been of late years youthward. Precocity is, indeed, a characteristic of the times, and it is not strange that it should show itself in this direction. Accordingly thieves, burglars, murderers even, average some years younger now than they did half a century ago; and the same is true of drunkards. This is a state of things suited to awaken alarm and anxiety. It has attracted the attention of the heads of a number of our State penitentiaries (who have noticed it in their annual reports), as well as that of other benevolent and thinking persons, to the question of instituting separate prisons for those who are too old for reform schools and too young to be shut up with practised offenders without peril of greater contamination, — prisons where more attention can be given to education than would be practicable, or perhaps desirable, in institutions for criminals of a more advanced age and more hardened character.

But although the persons to be committed to the proposed institution are such as have been convicted of State-prison offences, it should not bear the name of prison, but rather that of reformatory, with some suitable prefix, — as “State Reformatory,” or, better still, “State Industrial Reformatory.” There is a large class of persons — more than half of those convicted of felonies by the courts, if the age of admission is fixed, as probably would be best, at between sixteen and twenty-five years — who are fit subjects for such an institution. The design of the treatment should be reformatory as distinguished from penal, though not by any means to the exclusion of punishment either in fact or by name; for the young transgressor should be made to feel that the commission of crime is invariably attended with penalty, privation, and suffering. Hence, in the outset, like all other convicted felons and misdemeanants, he should be subjected to a term of solitary confinement, from which he may learn this salutary lesson. Here also he will be fully informed of the character, methods, and designed effect of the treatment to be applied to him. He will learn that his destiny will be measurably placed in his own hands, both as regards the removal of burdensome restrictions and the concession of coveted privileges. In this way the inmate of the prison or reformatory will be placed in a situation resembling



more or less completely that in which one finds himself in ordinary life. In the approval which he daily receives for meritorious conduct he will have a continual tonic to brace him against the assaults of temptation and a relapse into crime. It is proposed to carry this principle so far in the juvenile prison as to make the sentences substantially "reformation sentences." A sentence for so short a term as one or two years, with the commutation laws now generally in force, is not long enough for the efficient action of reformatory agencies. I therefore propose that when the sentence of a criminal is less than five years by existing law, the sentence to the juvenile prison shall be until reformation, not exceeding five years. There will thus be no inmate of the institution on whom the forces of reformation cannot be made to act for that period, if need be; whereas the time may be much shorter, if the circumstances are sufficiently hopeful to warrant it. On its part, the State should give to these young criminals every facility to improve, and put forth all effort to that end. It should definitively abandon the idea that the main consideration is to make the institution yield a profit, or even to be self-supporting. Labor ought of course to be required, and the aim may and should be to make the industries as remunerative as may be consistent with the improvement of the inmates. But if a prison does not reduce the criminal class, it has no *raison d'être*, — no right to be sustained; if it does, then its existence is more than justified, though it show no balance of profits. The main interest then being to reform, the industries must be selected and practised with that end in view. Should it appear that agriculture — as has been widely found to be the case in Europe — is the most powerful agent in producing reform, it should be largely resorted to, though certainly not to the exclusion of mechanical industry.

In the same spirit the ignorant (and most of the inmates are likely to be ignorant) should receive the rudiments of education. These prisons, being at the same time and chiefly reformatories, should be rather schools for instruction than places of punishment; and especially should they assure a careful and kindly inculcation of moral and religious principles. Interesting and instructive lectures — conversational rather than rhetorical in style and delivery — should be given from time to time, and all legitimate means be adopted to arouse and fix attention on worthy objects of study and contemplation, and to draw the thoughts away from those unworthy subjects which had previously attracted and engaged them. The discipline should be strict and firm, but at the same time of a character to conciliate as well as to subdue. Let the officers, without yielding a tittle of the authority with which they are clothed or the respect which is their due, show themselves the friends of the prisoner, and his antagonism will be allayed, and even replaced with love. He may and surely will come to con-

sider them as his best friends, — stern and unyielding in correcting his misconduct, but quick to see and warm to approve his every meritorious act.

No contractor should be permitted to obtain a footing in this class of institutions. The superintendent must have the supreme control of the discipline and the industries, and he cannot ordinarily have the former without the latter. Indeed, the great objection to the contract system of prison labor everywhere is that it tends to interfere with and subvert the discipline. It introduces into prisons an outside disturbing element, which may possibly be controlled and its injurious influence neutralized by a skilful and able head, but which it is extremely difficult to control, and which nine out of every ten prison wardens fail utterly in the attempt to master and counteract. In that proportion of cases at least it has hitherto gained the mastery, instead of yielding it; or, if it has not absolutely secured the upper hand, it has held the balance so evenly poised that it amounts practically to much the same thing. While I believe contract labor to be open to other objections, I urge only now that the system does not and practically cannot in the vast majority of cases co-exist with a considerate, firm, and equable reformatory discipline. The interest of the contractor is one thing, that of the State and the prisoner is often quite another. It is unjust to a warden, and frequently destructive of his influence and self-respect, to place him in a position in which he must have a daily struggle between his convictions of duty and the claims, the importunities, perhaps even the menaces of contractors. The late General Pilsbury, though claiming for himself a complete control of the system in his own prison, has been heard to say that there was not a State-prison in New York whose warden could not and would not be removed in twenty-four hours if the contractors willed it.

It remains only to say that in the smaller States one prison of this kind would be sufficient, while the larger States will require two or more, if they are kept down to the proper maximum. Further, that there should exist a power of removal from the juvenile prison to the State-prison proper in case of a necessity arising, and alternately from the State to the juvenile prison when unusually hopeful cases might appear among the younger class of prisoners in the former; and finally, that the institution should keep its grasp upon the prisoners provisionally released, until the expiration of their full term of sentence.

CHAPTER XI.—THE HOUSE OF CORRECTION OR  
DISTRICT PRISON.

TO this should be committed all males, more than twenty years of age, sentenced to terms of less than five years, except such as for a slight first offence shall be sentenced for the purpose of a vigorous notice to a short, sharp imprisonment in the county detention prison. The house of correction will hold a middle place between the prison now known as the county jail and the State-prison, and will serve to discharge in part the functions of both,—that is to say, it will be the place of punishment for all now sentenced to the county jail (except the small class of offenders just referred to), and for all the younger and less criminal convicts now sentenced to the State-prison, except those who shall hereafter be committed to the juvenile prison, as recommended in the immediately preceding chapter. Much of what has been said touching the organization and management of the juvenile prison is applicable here, and need not be repeated. It goes without saying that the number of these district prisons or houses of correction needed in any given State will depend upon the number of its criminal population. The benefits to be expected from the establishment of this class of prisons are: 1. The organization of each with a full staff of officers, and with all the other appointments necessary for an effective performance of the work assigned them. 2. The arrangement of buildings, cells, workshops, chapels, school-rooms, libraries—in a word the entire premises—in a manner suited to a complete penitentiary system. 3. The introduction of a comprehensive, well-adjusted system of industrial labor. 4. Diminished cost of maintenance, despite the increase of officers, owing in part to the earnings of prisoners, and in part to greater economy in the administration. 5. The opportunity thereby afforded of a complete reconstruction of the existing common-jail system,—that is, its destruction, and the substitution therefor of a system of simple detention prisons. 6. The relief of the State-prisons by punishing in houses of correction the younger and less criminal of their inmates. 7. The crowning recommendation of the system lies in the reformatory character to be impressed upon it.



## CHAPTER XII. — PRISONS FOR WOMEN.

IT is the decided belief of the advanced students of penitentiary science that entirely separate prisons should be provided for criminal women ; and that for them as for men there should be, wherever the population of the State is large enough to require it, two female prisons, — one for young women who are nevertheless too old or too vicious to be placed in a girl's reformatory, the other for those of a more advanced age and a deeper criminality. Where the population is not sufficient to warrant the erection of two prisons, these two classes of women should be treated in separate wards.

Female prisoners should as a rule be under female treatment ; and although I would not undertake to say that, in certain circumstances, the head of a female prison may not fitly be of the other sex, yet ordinarily the contrary plan would be better ; and at all events the care-takers who are constantly in close contact with the inmates should be always of the same sex. This is the dictate of reason and common-sense, since woman alone understands woman, and since she alone can enter into her weaknesses, temptations, and difficulties, — nay, into the very recesses of her being, — and fitly minister thereto. The principle of progressive classification should have place here the same as in the prisons for men, with all the healthful stimulants to self-denial, self-control, and self-culture which that system supplies.

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## CHAPTER XIII. — STATE-PRISONS FOR MEN.

NEXT and last in the series of establishments which make up the preventive, reformatory, and penal system of a State is the State-prison proper, — called in England convict prison, and on the Continent central prison, — the receptacle for criminals convicted of the gravest offences against society and its laws punishable by imprisonment. The adoption of the preceding part of the system proposed will make it easy, as it is every way desirable, to give to the shortest sentence to the State-prison a duration of five years, which will afford, with reference to the whole body of prisoners, large scope for the effective action of reformatory processes. Now, however fit, necessary, and useful may be the special agencies employed to this end, — the exhortations of the chaplain, the lessons of the schoolmaster, the instruc-

tion of the Sunday-school teacher, and the pages of the library book, — they must all, in their power of securing from the convict those sustained exertions which alone will restore to him his lost place in virtuous society, prove feeble and inefficacious in comparison with a fixed, legally established, uniform, ever-present, ever-operative system of agencies which act upon him with their silent but living and abiding forces in his daily and hourly work and thinking, inspiring him with that confidence in himself, that faith in his fellow-men, and that hope for the future, which a long course of crime had dulled but not obliterated, obscured but not extinguished.

There exists such a system, conceived in the spirit of the purest benevolence and based on a profound knowledge of the principles and needs of human nature. It was originally devised by Alexander Maconochie, and was only partially, yet with marvellous results, carried into execution in the penal colony of Norfolk Island. It has already been briefly described, but with as much fulness as the nature of this work will permit. The principle of Maconochie's method underlies, must underlie, every wise system of government. It is the linking of unalterably certain rewards to good conduct, and equally sure punishments to bad. This is God's method of dealing with his rational creatures; and we cannot go far astray in our treatment of criminals by imitating, however feebly, the method by which the moral universe is held to its moorings. A modification of this system was inaugurated in Ireland by Sir Walter Crofton a quarter of a century ago, and has been practised there ever since. It has three prisons for as many stages through which each convict passes. The first is penal, with cellular separation. The second is reformatory, with a division into classes, where each prisoner earns his advances by good marks: the large majority earn their maximum of marks and win their promotion from class to class within the minimum time admissible. The third prison is no prison, but an open farm, where there is neither bolt nor bar, the detention being virtually that of moral influence; yet in all these years scarcely a dozen escapes have been made, — nor has there been a single complaint from any farmer in the vicinage, though there is neither restraint nor discipline beyond that maintained over ordinary farm-laborers, with the sole exception that the prisoners are not permitted to leave the premises, and are at night locked in common dormitories with a warder sleeping in an adjoining room.

Is not all this a clear proof of the wisdom of appealing to the higher elements of manhood in our dealing even with the degraded and the vile? Treat the evil-doer as a fellow-man, and it is more than probable that he will respond in that relation; treat him like a dog, and he will behave like a dog. We cannot, therefore, hesi-

tate to recommend the adoption of the Crofton or Irish system in all the States of our Union, more especially as it affords common standing-ground to the friends of both the cellular and associated systems. The third or intermediate testing-stage should be made part and parcel of every State-prison system, also of the district-prison system, and indeed of all prisons for punishing. But it is exceedingly desirable, if not indeed essential to the success of this system, that a character of increased permanence should be impressed upon our prison administrations by the elimination therefrom of partisan politics as the controlling force.

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#### CHAPTER XIV. — SUBSIDIARY SUGGESTIONS.

IT is worth while (1) to inquire whether society has not made a mistake in its warfare against crime. Has it not failed to recognize the fact that habitual criminality is a craft, not carried on solely by individuals, but by a virtual organization, comprehending various grades and divisions of work, and requiring the combined action of capital and labor, just as other crafts do, and like them dependent for its continued existence on this union? There are two well-defined classes enlisted in criminal operations, — the capitalists and operatives, those who furnish the means and those who work the machinery; and the former are absolutely essential to the latter. The crime-capitalists include the owners of houses and dens which afford to criminals habitations and places of carousal, the receivers of stolen goods, the pawnbrokers who lend money on such goods, and the makers of instruments needed by burglars and counterfeiters. Now, the crime-capitalists are few, the operative plunderers many. The law strikes at the many operatives one by one: would it not be better to strike at the few capitalists as a class? Let it direct its blows against the nefarious connection between capital and labor, — ordinarily a beneficent one, but in this case evil, and only evil, — nor forbear its assaults till it has wholly broken and dissolved the bond. When this baleful union has been pierced in a vital part it will perish. When the corner-stone of the leprous fabric shall be removed, the whole building will tumble into ruins. The author once asked a professional thief what most helped him in his business of stealing. His prompt reply was, "To know all the 'fences' within a circuit of thirty miles," — "fence" being the cant name given by thieves to the receivers of stolen goods.

2. A large number of persons are every year arrested and com-



mitted to prison on suspicion of crime, where they are confined for longer or shorter periods, who either on their first hearing or their trial are acquitted and set free as innocent. Yet they receive no indemnity for their loss of time, whether it has been for a day or a year. On this state of things the question arises, Is not personal liberty a right as respectable as the right of property? If this question is answered in the affirmative, a second instantly arises, Is it not the duty of society to indemnify the citizen whom it has wrongfully imprisoned, as it indemnifies the citizen from whom it takes his house or his field for some public use? This principle is applied every day in other cases. The witness and the jurymen receive each a sum of money for the loss of time thus incurred. To one of them, who makes perhaps his thousands a year, it is but a symbol of justice; to another it is the daily bread of himself and his family. Can any reason be assigned why the same principle should not be applied in the case of the man whom the judicial authority itself, speaking from the seat of justice, has declared to have been imprisoned and "held in durance vile" without adequate cause? Two incidental advantages of no inconsiderable moment, additional to that of meeting a demand of justice, might be expected from the introduction of this principle into the administration of criminal law,—greater caution in making arrests, and more speedy trials after arrest.

3. The identification of prisoners who have been previously convicted is a matter of grave importance in the administration of penal justice. The first Napoleon, the greatest organizer of modern times, desired that his minister of justice should have always at hand "the biography of all criminals,"—a most natural wish, since of all the elements of a judgment as to the moral curability of an offender the most important is a knowledge of his past. How to attain this knowledge? Much use is made of photography in England; but the most perfect scheme for securing trustworthy knowledge on this point is the criminal registers (*casiers judiciaires*) devised by M. Bonneville de Marsangy,—a French jurist of great eminence, who has lived to see the complete and triumphant success of his invention in his own country, where it has been in use since 1850, having also since been introduced into Italy, Portugal, Denmark, and some other countries. The knowledge afforded by these registers is precisely that desired by Napoleon: they fully meet his demand for a complete criminal biography of every man in France who has been under the arrests of justice. A careful study of the most effective means of identifying persons previously convicted of crime is worthy of the best minds of our country, and especially of those who are called to make or to execute the criminal laws.

4. A general system of penitentiary statistics for the whole

country is a great desideratum.<sup>1</sup> Indeed, it may be said to be almost essential to broad and solid progress in this department of social science and of the public service. The laws of social phenomena can be ascertained only through the accumulation of facts. Returns of such facts, carefully gathered from a wide field of observation and skilfully tabulated, are indispensable to enable us to judge of the effect of any law or system of laws which may have been put in operation. What we want to know is the facts; but a knowledge of the facts relating to so complex a subject as that of crime and criminal administration implies a mass of figures collected from all quarters and arranged with reference to some well-defined end. The local and the special are to little purpose. It is the general only that has value,—that is to say, returns so numerous, so manifold, and drawn from so wide a field and amid such diversified circumstances as to give real significance to the results. It is such returns alone that will lay the foundation for inferences of practical value. We want to get an average; but in order to do this we must have scope and variety enough, both in the range and character of the returns, to be enabled to eliminate from them whatever is local and accidental, and to retain only what is general and permanent. Only on this condition will our inferences be sound and safe. Only on this condition shall we be able to feel that our conclusions rest, not upon mere incidents of the phenomena which may be partial, casual, and immaterial, but upon the phenomena themselves, apart from variations which are temporary or adventitious.

5. In order to secure the best results from a reformatory prison discipline, it should be divided into two distinct periods,—those of punishment and of reformation. Both these processes (the object being reform) are equally benevolent, because both are equally necessary to the end in view. There can as little be true reform without true penitence, as there can be the growth of the man without the birth of the child. But the necessity for each is not of itself equally clear to criminals. All criminals would, if possible, escape from restrictions imposed as mere punishment; but many would willingly submit to them if they were understood to be a necessary antecedent of reformation, and especially of release as conditioned upon reformation; for nothing is counted a hardship which tends to this latter issue. As a fever must be reduced before its ravages can be repaired, and as a wound must be probed and cleansed before it can be

<sup>1</sup> A number of our penal institutions embody in their annual or biennial reports statistics of much value; and this is particularly true of the Eastern Penitentiary at Philadelphia, thanks to the intelligent and indefatigable study of Mr. Vaux, who for a quarter of a century has held the position of president of its board of managers. But there is no uniform system for the entire Union.

properly healed, so in the moral cure of a criminal a punishing stage must precede the reformatory. To do one thing at a time, and each well, is the rule in all nice operations; and, surely, the recovery of a fellow-man from crime to virtue is worthy of an equally methodical and careful procedure, and is not likely to be accomplished by one less scientific or delicate.

6. Severe suffering, consequent on conviction of crime, by way of example and warning, has not hitherto been very effective in preventing its recurrence; it would be worth while to try the example of necessary reform, or at least of sustained submission and self-command through a period of probation, determined by the results of voluntary exertion as the sole condition of release. If we are not mistaken, it would be likely to prove more deterrent than severity. It should never be forgotten, but rather strongly insisted on, that the principle of deterrent example and that of reformation may and should be made to concur. If the purpose and process of prison discipline were so changed as to make reformation the specific end, and suffering only a necessary means to that end, there would still be enough of suffering, since it is not simply by the application of fire, but by its proper application, that gold is purified; and it is the same in moral purifications. There may be such an application of fire to gold as will merely scorch and deface the precious metal; in like manner there may be such an application of suffering to the prisoner as will only deform and harden him the more. Too much importance is attached to mere force as an agent in the production of moral effects in prison management. The very nature of that on which our efforts are expended is thus habitually mistaken or ignored. We improve the mechanical appliances of our prisons, their means of coercion, the precision of their movements, and all the clock-work of their arrangements, and we persuade ourselves that this is an improvement in their discipline; whereas, in truth, the more there is of all this, the more is true discipline — the discipline of the mind and will — impeded; for the process which moves, directs, and strengthens these high intellectual and moral powers is illimitably different from any that makes or guides an automaton.

7. The coercive system of managing men appears to be an essentially vicious one, insomuch that precisely where most perfect it will in the end be found, so far as the true aim of prison discipline is concerned, most unsuccessful. Mind can be gained only by appealing to mind. Fettering the body is absolutely opposed to this. It has its immediate and apparent advantages, but they are too dearly purchased. If we actively employ our prisoners; if we fill and feed their minds with hope; if by suitable means we cultivate in them the daily practice of the manly and social virtues, — they will protect themselves from degrading and



ruinous vices much better than we can protect them by walls and bolts. And the moral triumph thus achieved will be as improving and strengthening to them as the physical triumph, even when effected, is humiliating and enfeebling.

8. The discipline in prisons, in this country and in other countries, has been and is far too military in its whole conception and character. The objects of military and of prison discipline are diametrically opposite; yet the latter has been, and is, very much modelled on the former. The object of military discipline is to train men to act together; that of prison discipline to prepare them to act each for himself. The purpose of the former is to absorb individuality; of the latter to bring it out and intensify it. The object of the one is to make each man a fit part of a well-adjusted machine; of the other to make each prisoner a good citizen, with a distinct and strongly marked personality of his own. The aim of military discipline is to teach all to look to orders; of prison discipline to train all to look to principles as the guides and regulators of their actions. Criminals are to be reformed. To compass their reformation we must quit the intense military type, and seek an arrangement better suited to the end in view. A military barrack, despite the high sense of honor studiously cultivated in it (for which no substitute can be found in a prison by the testimony of high military authorities), notoriously demoralizes. Is it possible, then, that a similar organization can reclaim criminals? Instead, we must rather copy the incidents of that frugal, honest, self-denying, laborious poverty, to which we have to restore our convicts, and for which, therefore, it should be our earnest endeavor to qualify them. No more hot meals, without previous toil to earn them; no more undervaluing of time, nor consequent stimulus to skulking or evasion; no more interest in idleness; no more advantages except such as are won by industry; no more indulgences save those earned by exertion and self-command; no progress toward liberty except through diligence in work and the exhibition of good conduct,—all proved by acts, not words; by a strenuous fulfilment of all duty, not by mere lip-submission. It is thus, and thus only, that the stern school of punishment may be made really reformatory; may be made to give back to society citizens instead of spoliators, and honest men in place of criminals.

9. Unsuitable indulgence in prison management is as pernicious as unsuitable severity. As a rule, reform can be attained only through a course of long and rigid training. It is in adversity that all the manly virtues are generated. "Sweet are its uses" therefore to prisoners as well as to others, though they like others would gladly shun its hard school. All the ends of public punishment will in this way be the more surely gained. We reform and deter at the same time and by the same process.

The judicious pursuit of the first object will give us also the second. The true principle is, then, that the man who has incurred punishment should, like one who has fallen into a pit, be required to struggle out of it, and not be allowed, as now, to endure out of it. In the one case his more active and better qualities are called into play, and thereby necessarily improved ; in the other they are all put to sleep, — or, to change the figure, they are consumed by rust, or replaced by others equally pernicious to himself and to society.

10. Much has been said and written on the classification of prisoners, but there appears to be no little confusion of thought on this subject ; and few, comparatively, seem to have grasped any really practical principle of convict classification. Arbitrary classification by age, crime, similarity of temperament, and the like is impracticable, and would be useless if it were practicable. It is "a delusion and a snare." There is no rule by which to regulate it. If by offence, that is the mere accident of conviction, for it often happens that an old and hardened criminal is convicted of some mere misdemeanor. If by age, the youngest criminals, born and cradled in sin and steeped in it from their birth, are often the most corrupt and corrupting. If by supposed similarity of temper and antecedent character, no one can pronounce on this with certainty, for men are as often improved by associating with their opposites as with those who resemble them. It is impossible to obtain real benefit by such means. The only rational classification of prisoners, other than that which is effected by graded prisons, — the only really useful classification, — is one based on character, conduct, and merit as shown in the daily routine of prison life, and is moral rather than physical.

11. It is a question whether the employment of prisoners as a kind of sub-officers or monitors is admissible, and would afford beneficial results. It was an opinion strongly held both by Maconochie and Montesinos, that where a prison discipline is intended to be reformatory, where the object is the moral amendment of the person subjected to it, the employment of these as under-officers is attended with excellent effects. In this case all the prisoners feel elevated in the elevation of their companion, and the self-respect of the whole body is thus lifted to a higher plane. Those who are thus trusted and honored serve both as an example and an encouragement to the rest. But when the discipline is arbitrary, coercive, and despotic, nothing can be more injurious than such a practice ; for these convict-officers will always exceed and abuse their petty power, so that their fellow-prisoners are then doubly crushed, first under the tyranny of the government official, and then under that of merely another, but favored, slave. Captain Maconochie attests that he could not have got on at all on Norfolk Island if he had not largely em-

ployed prisoners in the management. But by having a host of *persuaders* (and it was as such that he chiefly sought to use them) distributed constantly among the convict population, he was able to prevent much of the evil previously existing and almost made matter of boasting, and strongly to direct public opinion against what remained of it. He found them like the petty and non-commissioned officers of a ship or a regiment, who are also selected from the ranks sought to be controlled.

12. The correspondence of prisoners, and the visits to be received by them from outside, with the restrictions to be imposed upon these, are points to be carefully considered; and they are not unattended with difficulty. The uniform answer given by Governments at the Congress of London to the question put to them on these points was, that, under due limitations, both letters and visits were found to exert a beneficial moral influence upon the prisoners. But the difficulty is to find these due limitations. It goes without saying, that the correspondence must be inspected both ways, — that which goes out and that which comes in, — and that the visits must be restricted to persons whose character is properly authenticated, and chiefly to members of the prisoner's own family. The point of difficulty is as to the frequency of communication. At present the usage varies in our several States and prisons, ranging from one month (possibly in some prisons less) to three months, which latter period is not uncommon. These long intervals of silence are injurious to the convict, often impairing and sometimes nearly obliterating whatever of good feeling still survives. A wife, a mother, a sister, a child, ought not to be debarred from communicating as often as they wish, by letter or visit, their griefs and distresses to the author of them, nor from thus directing to him whatever monitions, counsels, or exhortations may to them seem fitting and necessary, provided always that the criminal has earned such indulgence by good conduct and industry. Can it be true wisdom, can it be to the interest of society, to screen prisoners from the knowledge in detail of the shame, the sorrow, and the suffering into which their crimes have plunged those dearest to them, or to weaken, if not to sever, those ties which, if maintained, would most facilitate their return to society, and most stimulate their exertions when restored to it?

The prohibition of communication is intended as an aggravation to suffering, but in most cases it operates rather as a relief; and not unfrequently it punishes the loving and anxious relative much more than it does the prisoner. The privilege of writing letters might be converted into a wholesome agent of discipline if it were made conditional upon good conduct, and especially if uniform good conduct gave the right as often as it might be desired. Under Maconochie's plan, where the sentence is given



in marks and the marks are used as money, the whole matter might be easily and most beneficially arranged, by imposing a charge on every prisoner receiving a letter or visit, the reception or non-reception of either being entirely in his own choice. Writing himself, he would have to pay for paper and stamps; but beyond these checks there should be none, except the exaction of a proper guarantee for the fitness of the letter to be sent or received, and a proper authentication of the character and relationship of the visitor.

13. The degree of supervision or watching to be maintained over the prisoners is another point which merits serious attention. It is at least to be considered whether the constant and rigid surveillance so much insisted on, however plausibly it may be defended, does not generate and foster that habit of eye-service which so unfits a prisoner for the task of self-guidance after his release; whether the minute supervision and regulation maintained in our larger and more important prisons might not be beneficially replaced by a considerable measure of self-guidance, reinforced by a strong motive to give it a right direction; whether in strictness such argus-eyed watching is not rather unfavorable than favorable to the reform of prisoners; whether in giving perhaps the desire of amendment, it may not in some degree take away the power; whether, in short, its tendency is not to enfeeble character, to make it too dependent on direction, and to deliver it up bound, as it were, hand and foot to subsequent temptation?

14. There is a class of endless "revolvers," committed to the minor prisons as "drunk and disorderly," over and over again, usually on an alternative sentence of "ten days or a fine of ten dollars," till, as one of them said, "the times of commitment are uncountable." It is a very serious question how to deal with these persons. That the present mode is worse than useless is beyond dispute. It is often productive of great evil to the families of the victims of this vice, while it tends neither to suppress intemperance nor to reform the drunkard. These persons, though slaves to a degrading vice, are not criminals in the ordinary meaning of that term; and their confinement in prisons with thieves, burglars, and other hardened criminals seems to me impolitic as well as unnecessary, since its result is almost always to destroy the prisoner's self-respect and take from him all hope of future amendment. The law should clearly define what an habitual drunkard is; and the persons falling under that designation should be confined only in asylums or reformatories, and kept there under mild but efficient treatment until there is a reasonable assurance that permanent reformation has been effected. Inebriates of different sexes should be confined in different establishments.

## CHAPTER XV. — CRIMINAL REFORM.

I HAVE not introduced this heading for the purpose of laying down any propositions in regard to it, further than to express the conviction that there is urgent need of action in this direction, and to suggest whether it may not be practicable to create a commission of learned criminal jurists to be composed of one member from every State that is willing to come into the measure, which commission shall be charged with the duty of drawing up the project of an improved penal code, to be recommended to the adoption of all the States, with such modifications if any as each may see fit to make with a view to adapt it to any special circumstances or exigencies that may be thought to require such change. A considerable degree of similarity, if not an absolute uniformity, in the penal codes of the different States appears to be highly desirable, to the end that the criminal may know that he will have to suffer substantially the same penalty in one State as in another for any offence he may commit.

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## CHAPTER XVI. — CONCLUSION.

WITH penitentiary systems based on the principles and worked by the methods outlined above, with penal codes framed in the same spirit, with our prisons removed from the domain of party politics, and a character of absolute stability and permanence impressed on their administration, and with prison officers trained to their work and secure in their places so long as they show themselves competent and faithful, I have a profound conviction that there is no point to which the improvement of prison discipline may not be carried but that which is imposed by the imperfection of human virtue, the fallibility of human wisdom, and the limitations of human power.

## PART SECOND.

## CRIME,—ITS CAUSES AND CURE.

CHAPTER XVII.—DESPINE'S VIEW AS TO THE RÔLE OF SCIENCE IN THE MATTER OF CRIMINALITY.<sup>1</sup>

WHAT is the rôle of Science in the matter of criminality, and what aids has she offered towards the solution of this question? The function of science is here perfectly clear. What is the office of science in the study of any natural phenomenon? She seeks to discover its interior nature and the laws which produce it, and thence to trace its cause. Now the science which must enlighten us in regard to criminality, as in reference to all mental acts, is psychology. It is therefore to a psychological study of criminals that we must have recourse in seeking a solution of this question.

The importance of this subject appears from the fact that a knowledge of the criminal is an essential guide to a right treatment of him; a knowledge of him, not in his acts which are but too well known, but in the psychical or soul-condition which impels him to commit them. There must be something abnormal in the disposition of criminals when they yield with facility to desires which would excite the strongest repugnance in a truly moral man. This abnormal state reveals itself in the clearest manner when, contrary to what poets and moralists have represented, we see the wretch who has committed crime exhibiting no symptoms of remorse for the immoral act.

<sup>1</sup> Dr. Prosper Despine, an eminent physician and philosopher of France, has made a prolonged and profound study of the criminal from the standpoint of psychology. He has published two great works,—“*Psychologie Naturelle*” and “*De la Folie au Point de Vue Philosophique ou plus Spécialement Psychologique*,”—making together four thick octavo volumes, in which some twelve hundred pages are devoted to this study. An article on this study from the pen of the author appeared in the “*Princeton Review*” for May, 1878, which he has been asked and even urged to reprint in the present volume, on the ground that it is a discussion which ought to find place in a work distinctly devoted to penitentiary subjects. To this request he has yielded assent. The substance of the article will be given in three chapters of this second part of his eighth Book. In the first two, he plays the part of simple reporter, stating Dr. Despine's views without personal responsibility therefor; in the third he offers a short critique for which he alone is responsible. It is perhaps proper to add, that in a letter since received from Dr. Despine he attests the absolute correctness of the author's analysis.



As the rational treatment of a sick man makes necessary a study of the organic disease by which he has been attacked, so is it necessary to know the abnormal psychical condition of the criminal,—the moral disease which produced the crime. However, in speaking of the moral disease of criminals it must be explained that they are not diseased in such a sense that, like the insane, they stand in need of medical treatment. Their mental state does not grow worse, like that of insane patients, in the sense of a gradual decay of all their faculties. The criminal therefore is not a patient, and in this respect he must not be likened to the insane.

But, although sound in body, the criminal none the less manifests psychical anomalies of a grave character. But these anomalies must not be sought in the intellectual faculties properly so called,—in the perception, the memory, the reasoning faculty; that is to say, in the reflective powers. Although many criminals are as scantily endowed with intellectual as with moral faculties, it is not the lack of intelligence which is the distinctive character of these dangerous beings, for there are among them persons of great intelligence, capable of forming ingenious combinations which are the product necessarily of strong reflective faculties. The distinctive anomalies of criminals are found only in the moral faculties, in the instincts of the soul, out of which spring its desires and proclivities, and which constitute our principles of action; for it is these which impel us to act in one direction or in another.

In studying criminals, the first thing which strikes us, and which is obvious to all, is the perversity, the criminal thoughts and desires inspired by the evil inclinations and vices inherent in mankind, but more emphasized in criminals than in other men. It is the violent passions,—hate, revenge, jealousy, envy; it is also other passions which, without being violent, are no less tenacious in criminals, such as cupidity, the love of pleasure, profound repugnance to a regular life, and an intense dislike of labor. It is these last two mentioned vices especially that impel criminals to seek the means of satisfying the material wants of life and the enjoyments which they crave, not in honest toil, but in readier ways which are immoral and hateful,—in theft, arson, and murder. These qualities in criminals are manifest to the eyes of all. But these malign passions, these immoral propensities and desires, do not really constitute an abnormal psychical state; and the proof is that these evil tendencies, wicked passions, and perverse and criminal desires make themselves felt in the soul of the most upright man, without his ceasing to conduct himself in a virtuous manner, for the reason that he wages a successful warfare against them. There is no need to enlarge upon this point, which is so well known that persons engaged in the study of the

criminal, seeing in him only perversity, vicious inclinations, immoral desires, have considered him, in a moral point of view, as normally constituted. But his moral irregularity is to be looked for elsewhere.

To understand in what this irregularity consists, it must be considered what passes in the man, recognized as normal in his moral constitution, when he finds himself in presence of a perverse thought, an immoral desire. Every one sees it in a moment. The conscience, the moral faculties, the instincts of the soul—three forms of expression that mean the same thing—are roused; the moral sentiments opposed to the vicious instincts are shocked by these ideas and desires. Excited by the wound thus inflicted upon them they react more or less vigorously, according to the degree of power they have in each individual. From this a moral conflict springs up in the soul between the good and the evil sentiments. In this moral conflict appear, according to the more or less perfect moral nature of the man normally constituted, three orders of good sentiments antagonistic to the commission of the criminal act: 1. The sentiments which are developed and exert their force on the selfish side,—that is to say, the moral sentiments which prompt to virtue and withhold from vice through a well-understood and well-considered personal interest, but with no other view than some present or future advantage; such, for example, as the fear of punishment, of public scorn, of the loss of liberty, the dread of being deprived of the enjoyment of one's possessions, of being separated from his family, of leading a wretched life, a life full of privations, etc. 2. The generous sentiments, such as sympathy, kindness, benevolence, and the like, which lead us to act charitably toward our fellows under the promptings of a loving nature, and with a view to the contentment of the sentiments of generosity and magnanimity with which the Creator has endowed us. 3. The conscience, the moral sense, the sentiment of right and wrong,—accompanied by a feeling of obligation to do what is right, not in view of any satisfaction or advantage to be hoped from it, but because it is right; and to abstain from what is wrong, not on account of any suffering to be feared as a consequence, but because it is felt to be wrong. This unselfish and disinterested sentiment is the highest expression of the conscience; and its motive-power of action, instead of being some selfish satisfaction or some generous impulse, is duty. It is this lofty moral faculty which makes the man who is so happy as to possess it feel that he must repel a vicious or criminal act, however great the advantage to be gained by it, and however painful the course to be taken in doing so. It is this which drew from Kant, the great German philosopher and moralist, the exclamation, profoundly true: "Duty! wonderful idea, which acts neither by insinuation, nor by flattery, nor by

menace, but simply by sustaining in the soul thy naked law, — thus compelling respect for thyself, if not always securing obedience to thy commands."

Such are the three orders of sentiments or moral instincts with which the Creator has endowed us to combat the perverse sentiments or instincts which exist in our hearts; thus, as it were, putting the antidote at the side of the poison.

Now, by the side of men normally constituted, although imperfect because they are men, what do we see? — Anomalies, monstrosities. In a physical point of view we find, by the side of men well-formed, strong, of robust health, of noble mien, beings ill-shaped, weak, sickly, of ignoble and sinister aspect. Viewing men intellectually, what do we see? — The same differences. By the side of men of genius, who create sciences, who produce those marvels of the imagination which in literature and the arts kindle our enthusiasm and raise our admiration to the highest pitch, we find vulgar intelligences, insensible to the creations of genius and the splendors of nature, incapable of lifting themselves above the material wants of life. Descending in the scale, we meet at last with the weak-minded, the imbecile, the idiotic. These imperfections, infirmities, monstrosities, which we see in the physical and intellectual world, we see also in the moral world, as marked, as numerous, and as varied.

The reality and nature of these moral anomalies have been heretofore either completely ignored or their importance not sufficiently recognized. Because the man is intellectually intelligent, because he is in health, because he has command of his ideas, because he reasons, it has been thought that he must be also morally intelligent, that his moral faculties are in a sound state, that his conscience is capable of feeling and weighing right and wrong, and that he has the ability to repress his evil desires; and this belief is entertained without ever having dreamed of studying his moral nature, without having examined the state of his conscience, without having so much as once thought whether he is really endowed with those moral instincts which are antagonistic to the depraved instincts, and which alone have power to wage a successful warfare against them.

These infirmities, these moral anomalies, what are they? Where are they to be sought? In what part of the man do they reside? Is it in the depraved instincts, in the immoral proclivities, in the criminal desires even? Not at all. But why not? Because the perverse sentiments and the depraved ideas and desires which they inspire are as much inherent in humanity as the virtuous sentiments and their moral inspirations. The presence of perverted sentiments does not, then, of itself constitute an anomaly. Whenever the antidote is found in the heart beside the poison, the moral state of the man is regular. But suppose



the antidote, represented by the moral sentiments, is either too weak or wholly wanting. In that case the anomaly exists incontestably. The moral equilibrium is destroyed, for the virtuous instincts of the soul and the moral thoughts inspired by them can alone serve as a counterpoise to the power of evil passions, of perversity. It is this psychical or soul-anomaly, this moral feebleness, this absence of conscience with which criminals are stricken. It is this which makes the criminal ; it is this which renders it possible for a man to commit acts that wound profoundly the moral sense. The intellectual faculties are incapable by themselves of serving as a counterpoise to depravity. They take part in the combat against it only when they are directed in their activity by the moral faculties.

The psychical anomalies under consideration — the complete or partial absence of the moral faculties which, connected as it is with the presence of the immoral proclivities, makes criminals — are often hereditary, as are all the other vices that inhere in human nature. How often do descendants receive from their ancestors the moral anomalies out of which crime for the most part springs ! The organic condition connected with these grave moral anomalies, without being a real disease, since it coexists with a healthy state of the body, has nevertheless a relationship more or less close with the pathological conditions of the brain which produce the different varieties of insanity. The cases in which the children of the insane become ordinary criminals are too numerous not to attribute the origin of this fact to an hereditary organic influence.

The sentiments whose feebleness or absence makes the moral idiot may be divided into three classes : (1) The moral sense, the noblest element of man's higher nature ; (2) The generous sentiments, — pity, respect, benevolence, charity, — all having regard to others, and all operating as a restraint upon criminal desires through such regard ; and (3) The sentiments of prudence, foresight, fear, the love of approbation, operating on the selfish side, — that is, the side of a well-considered personal interest.

1. The absence of the moral sense in criminals may be readily made apparent. The conscience of the man who is so happy as to possess this high moral faculty is wounded by his depraved thoughts, desires, and acts. It is therefore evident that he who experiences no moral repulsion in presence of his criminal desires, and who after having satisfied these desires has no feeling of remorse, is without a moral sense. This absence of moral recoil from criminal desires and of remorse after the commission of crime is a fact of observation confirmed by many observers in many different lands.

2. The generous sentiments are wanting in criminals almost to an equal degree with the moral sense. Nature has endowed most

men with sentiments of pity, of commiseration, of good-will, and of charity towards other men. But great criminals are an exception to this rule. Without pity for the victims whom they rob or assassinate, the commencement of the criminal act awakens no kindly sentiment within them, nor does it recall them to moral reason or arrest them in its execution. They destroy every thing which forms an obstacle to their rapacity, and they do not cease to strike till their victim is without life. Nor, after robbing him of life, do they ever bemoan his fate: they even insult his corpse, cast ridicule upon it, and eat and drink tranquilly beside it. They have no sense of the value of human life. They murder for the veriest trifles,—for a few pieces of money, for a momentary gratification; and not a thought or an emotion is wasted on the anguish they will cause to the family of their victim. Insensible to the evil which they commit, regardless of the sad fate of their victims and of their victims' families, they are equally indifferent to the punishments to which their accomplices may be subjected. It is marvellous to observe the facility with which criminals who have been arrested denounce their accomplices who are still at liberty, and how willingly they aid in their arrest. They do this either with the selfish aim of transferring to them the responsibility of the acts whose pressure they feel and of being themselves less severely treated, or with the wicked purpose of involving them in punishment and of not suffering alone the chastisement with which they are menaced. The bond which unites these wretched beings is interest alone, and not affection. Thus the moment this selfish bond is broken they treat each other as aliens and enemies.

3. The sentiments which stand connected with a well-considered self-interest are conspicuously wanting in these exceptional beings, so abnormally constituted in regard to the natural instincts of the soul. The lack of prudence is notorious in persons destitute of the moral sense, and in whom the selfish fear of punishment is stifled by some violent passion, such as hatred, jealousy, vengeance, and sometimes even avarice. In that case we see these madmen threaten, either publicly or privately, the person who is the object of their passion with the fate to which they have doomed him. There are criminals so devoid of the sentiment of prudence that they talk coolly of appropriating what belongs to others by brushing aside all the obstacles which they encounter, so that when the crime has been committed the author is instantly recognized. Improvidence is strongly characteristic of the greater number of criminals. It is owing to this singular trait, which belongs more or less to the whole class, that they are entirely absorbed by the desire which possesses them at the moment. One would say that they do not so much as cast a thought towards the future, which for them is as though it would never be. The consequences

of the crimes which they meditate make no impression upon them, and if they think at all of punishment it seems to them that they will never be overtaken by it. Their mind is intent solely on satisfying present desires, in regard to which their conscience has no reproaches. This extreme improvidence and this absence of fear give to criminals an audacity and effrontery truly surprising. Without moral curb, and scarcely held in check by the well-considered self-interest which fear inspires, how should they not be daring and audacious? But this blind audacity is not born of true courage, which foresees danger, which fears it, which provides against it, and which confronts it under the sole impulse of duty. The man who can sell at so cheap a rate every thing which a rational regard to his own interest would prompt him to keep must necessarily be but feebly endowed with the sentiments which that interest inspires, and especially with fear. For trifling and transitory advantages he exposes himself to the hardest chastisements,—to the loss of personal liberty in places of detention, to the severe treatment of the prison-house, to be separated from his family, to be scorned, to die a violent and ignominious death which wounds to the last degree the dignity of man. In a word, he prefers a vagrant, precarious, turbulent existence to a life calm and regular, full of serenity and peace.

In presence of these various sorts of moral insensibility which are found in different degrees in all criminals, can there remain a doubt, asks the author of these "studies," that these wretched beings are the subjects of a grave moral anomaly? Can there be a doubt of it, when the absence or deficiency of the moral faculties shows itself so palpably in its effects,—first, in the absence of all reprobation of the criminal thought or desire, and then in the absence of all remorse after the criminal act?

The understanding, however great it may be, does not prevent or diminish the shock caused to the moral reason and the moral liberty of the criminal by his moral insensibility; it does not hold this man back from crime. Far from it. The understanding when guided exclusively by perverted moral instincts becomes, on the contrary, a power all the more dangerous in proportion as it is developed. Intent solely on the satisfaction of these instincts, it devises criminal projects and seeks the means of carrying them into effect; it produces, above all, malefactors fertile in criminal inventions, able chiefs of criminal gangs.

Mere intellectual knowledge has very little influence in holding back these morally-insensible natures from the perpetration of the crimes to which they are urged by their evil instincts. Criminals know that what they do is forbidden by the laws and that they are menaced by punishments. They know even the kind of penalties to which they expose themselves by such or such a crime; for professional criminals are well acquainted with the articles of the



criminal code which concern themselves. But does this knowledge hinder their attempts against society? Not in the least. Society is none the less assailed by them. Laws and punishments are alike powerless when the moral idiocy of these criminally-inclined beings extends to the imbecility or absence of the sentiment of fear,—a thing by no means rare. This fact has long been known, for it is an old experience that “laws without good morals profit nothing.”

Hitherto we have given only the views held by the author concerning criminals who commit crime in cold blood. We add a short *résumé* of what he says concerning criminals who commit such acts under the influence of violent passions,—as hatred, revenge, jealousy, anger. In most of these, he says, we find a moral insensibility as great as in cold-blooded criminals,—an insensibility proved by the absence of remorse after the crime. Still, a small number of these persons may possess the moral sentiments to a sufficient degree. Suddenly overborne by some strong passion, which instantly stifles and paralyzes the nobler sentiments, they find themselves for the time morally insensible, and they commit the crime at a moment when all they feel and think pushes them on to it, and when none of the virtuous sentiments has sufficient force to combat the criminal desire. But when once the passion is satisfied, it loses its power and no longer holds complete possession of the soul. Then the moral sentiments, momentarily stifled, resume their activity, and, shocked by the depraved act, they produce a feeling of remorse and at the same time of regret that an act has been done contrary to their own interest,—a remorse and regret all the more vivid, because the sentiments which felt the shock and which now cause these pangs of repentance are stronger and more powerful than the passions which had obtained a temporary victory. In some cases the moral suffering is so violent that it plunges the person into despair, and impels him to suicide.

Here, then, is a first point established by science. It is a profound moral anomaly, perfectly characterized, which is the cause of crime.

But science can push its researches and discoveries yet further. Back of the psychological there lies an organic cause which produces it, and science is able to enlighten us in regard to this also. Starting from the principle that our psychical or soul-faculties manifest themselves through an organic intermediary—the brain,—and that these faculties, the moral as well as the mental, are profoundly modified in their nature by the modifications which take place in the modes of activity of the brain, as is seen most clearly in insanity and under the influence of alcoholic drinks, which in a few moments modify profoundly the moral nature of

man by the action which they exercise on the mode of activity of the brain, it cannot be doubted that the moral anomalies which produce criminals proceed from an anomaly in the mode of activity of the brain. This organic emanation is equally demonstrated by the fact of the transmission by inheritance—itsself an organic effect—of the psychical anomalies which make criminals. How often do the descendants of criminals inherit from their criminal ancestors the unhappy moral anomalies which are necessary in order to make them capable of committing great crimes and of becoming criminal themselves! The facts which prove the hereditary descent of these moral anomalies are of very frequent occurrence. Sometimes this heritage is direct, sometimes it leaps over a generation, sometimes it is collateral.

The cerebral condition which causes a manifestation of the moral anomalies with which criminals and those who are susceptible of becoming criminals are affected, is not a disease properly so called, for the individuals in whom it is found may continue all their life in good health. This condition, though compatible with health, ought nevertheless to be placed in the category of organic infirmities; and this particular infirmity is closely related to the cerebral diseases which give rise to insanity, for it sometimes slides into those diseases. Moreover, the cases in which the children of the insane show themselves to be viciously constituted in a moral point of view, and become criminals, are extremely numerous.

The relationship which exists between the organic condition which gives birth to the moral anomalies necessary to the production of crime and that which causes insanity is so intimate that crime and madness often spring from the same stem. The fact, attested by all medical men who have made the treatment of the insane a specialty, that insanity is much more frequent with criminals than with other men, is a further proof that crime and madness (it may be added suicide also) have organic ties which bind them very closely together. Dr. Bruce Thompson, after his long experience, comes to the conclusion that the inmates of prisons and lunatic asylums have so many points of resemblance that it is often impossible to fix the boundaries between them; that the principal study of the physician of a prison ought to be the mental state of the prisoners; that the diseases and causes of death in prisons depend very much on the nervous system; and that the treatment of crime should be made a branch of psychology.

Here, then, is a second point established by science; and the two points may be epitomized thus: (1) Crime is due to a grave moral anomaly characterized by the absence, to a greater or less degree, of the moral sense in presence of desires inspired by evil inclinations; and (2) This moral anomaly has its principle and source in a defective cerebral activity closely allied to that which is the producing cause of insanity.

## CHAPTER XVIII. — DESPINE'S VIEW OF THE TREATMENT OF CRIMINALS SUGGESTED BY SCIENCE.

SUCH is Dr. Despine's study of the criminal; such his theory of criminality. His next inquiry is, What sort of treatment does the science of psychology, as thus developed in its relation to criminals, require to be applied to them in order to effect their cure?

He answers: Science [considering crime as the natural effect of a moral disease which, as we have seen, he calls a psychological anomaly] can have but one aim,—that of curing this malady, and so of preventing its consequences which are so disastrous to society. If it refuses to a certain degree to recognize the moral responsibility of beings more or less deprived of the moral sense and of the other elevated sentiments of humanity, if it denies that punishment is the end of the treatment to be applied to criminals, it nevertheless looks upon them as civilly responsible for the injuries which they have caused to society; because, in principle, he who inflicts an injury ought to bear its consequences and to repair it as far as that may be possible,—and society, attacked in its dearest interests by crime, not only has the right, but is in duty bound to defend itself. But what sort of person is it against whom society has this right of self-defence? Is it against a man who has in his conscience, like other men, the necessary means to combat and conquer his immoral desires? According to the description given of the abnormal state of which it is claimed that all criminals are more or less the subjects, it is plain to be seen that the moral faculties, which are pre-eminently the antagonists of the vicious sentiments, are wanting to them in different degrees. If then these men, the subjects of a real moral idiocy, are dangerous, they are at the same time deserving of our pity. To shield ourselves from the danger with which they menace us, we are under a necessity of separating them from society. This separation, with the hard conditions necessarily involved in it, constitutes in itself a punishment. But the treatment which aims only to punish for the sake of punishing is dangerous both to society and to the criminal; it rarely improves the criminal, and often makes him worse. In France it produces from forty to forty-five per cent of recidivists.

If such is the fact, we may rest assured that it is because we have pursued a wrong road; it is because, having hitherto taken as our guides on this question only fear and vengeance and not scientific data, we have had in view punishment alone; it is because, never having studied the moral state which leads a man to crime, we have ignored this abnormal condition alto-



gether, and we have not been able to perceive, that, in order to arrive at a favorable result, we must aim to bring down to the lowest possible point this anomaly which is so fruitful a source of crime. The criminal is a being apart; he is different in a moral point of view from other men. If this is so, the best way to prevent crime and protect society would be to cause this difference to cease,—if not wholly, since that is impossible, at least approximately enough to render the criminal a safe member of society. The legislation which takes this point of departure will surely attain a degree of perfection and success which has no existence at the present moment; for, as Beccaria has said, "All legislation which stops with the punishment of crime and does not aim to prevent it is imperfect."

The direction which society should take, under these circumstances, is based on a knowledge of the moral anomaly with which criminals are affected, and on the just necessity of protecting itself against the perils which they offer. In this view its first duty is to segregate them, to place them under the dependence of the penitentiary administration,—not however for a period fixed in advance, determined by the nature of the crime committed. It is rather the moral state of the criminal that is to be taken into account, for a very dangerous criminal may have committed acts of no serious gravity, while another whose moral state is far less depraved may have committed an aggravated crime in a moment of uncontrollable excitement. Society has the right to defend itself against the wretches who attack it, and to keep them segregated, not for a time determined in advance, but so long as they continue to be dangerous.

Here we have a first point in reference to the treatment of criminals,—that of the time of sequestration,—established by science, and which is thoroughly in accord with what is demanded by common-sense. Under the system which fixes the time in advance,—a system which recognizes in the prisoner's sequestration only the element of punishment,—we see daily set loose in society a multitude of malefactors who are known to be dangerous, and who prove themselves to be so by the frequent relapses which take place shortly after their liberation. Does not such a mode of action wear absurdity on its face?

In taking as a starting-point the principle that we have here to deal with persons afflicted with a moral anomaly which is of the nature of a disease, it is evident that to cure or at least to lessen this malady should be the supreme aim in their treatment. It is to this end that all the means employed ought to converge. Further, as the moral anomaly with which criminals are attacked varies almost infinitely, it would be as irrational to treat all these varieties in the same manner as it would to treat all the ailments of the body alike.

As regards systems of treatment, Dr. Despine considers that of life in common, duly regulated, as better adapted to human nature than life in the cell,—which, however, he admits may be exceptionally employed for a time. The general conditions in which criminals should be placed in penitentiaries are stated by the author in the three following specifications: 1. Not to allow isolated communication between these perverse and morally incomplete beings who, having only the germs of evil in them, would but become the more perverse by immediate contact with each other. This end might be effected by a division into small groups, by the employment of a sufficient number of overseers, and by placing the more dangerous in the groups of prisoners already reformed and who are nearest their liberation. 2. Not to leave too much alone and by themselves these unfortunates, more or less morally imbecile, who possess in their own conscience no means of amendment, or have only such as are insufficient to that end. It is commonly thought that during his isolation in the cell the criminal enters within himself, and that through his self-communion he conceives at length the desire and purpose to reform. This error proceeds from ignorance of the fact that the criminal is not possessed of the moral sentiments which inspire the wish and the will to pursue an upright conduct. Abandoned to his own proper forces, he either corrupts himself still further, or he becomes brutalized by losing in inaction the little that he has of moral force, or insanity supervenes more readily than in association. 3. To study the instinctive nature of each prisoner, and to take advantage of the knowledge thus gained to lead his thoughts to good, to inculcate ideas of order, and to give him the taste and the habit of labor.

It is not worth while, according to the conception of our author, to dream of the impossible as regards the moral amelioration of prisoners, and above all as regards that of the great criminals. All that can be hoped of them is to cause to spring up in their soul the desire to change their life,—to cause to speak in them a material interest well understood instead of such an interest ill understood; that is, to excite in them sentiments which are not indeed very elevated, but which are nevertheless almost the only ones they are capable of feeling. We must seek to give them, by long practice, the habit of professional labor,—a trade, by which they can earn an honest living after their release, and, by suitably rewarding their labor even during their imprisonment, to induce in them a love of work and the definitive purpose to lead an industrious life. To restrict them to a labor stupid in itself,—a labor which teaches them nothing, which disgusts and irritates them, and from which they will afterwards be able to derive no advantage,—is a misconception of the whole aim and end of prison treatment. To deal with them in this manner is in

some sort to force these wretched creatures, who have no means of living and who are repulsed on all sides, to return to a life of crime or to perish with hunger.

Chief among the good sentiments which it is needful to excite in the heart of the criminal in order to lift him from the condition of moral debasement in which he is found, are the religious sentiment and family affections. There are also other sentiments of great power over the human spirit which are too much neglected in prison treatment. Fear is very much relied upon for the maintenance of discipline and to lead the criminal to change his life. It is a bad agent. The psychological study of criminals shows that they are but little accessible to fear. Instead, therefore, of treating the criminal as simply a degraded and abject being, we must seek to raise him in his own eyes; we must sustain him by encouragements and by hope. He must be made to know that his imprisonment and the severe discipline under which he is obliged to live are less a punishment than a treatment having in view to ameliorate his moral state, to give him the habit of a regular and laborious life, and to inspire him with respect for himself, for his fellows, and for their life and property. All these are things which he can readily be made to understand. We must cause to resound without ceasing in his heart the sweet name of liberty. We must give him to understand that he holds his fate in his own hands, and that he will not be liberated till he shall have proved by his industry and his good conduct that he can maintain himself in society without wounding it afresh. He must know, also, that the authorities are on their guard against hypocrisy; and that, after the rational and humane treatment to which he has been subjected, if he returns to his former life he will be regarded as obdurate, and will be kept in prison till he shall have given more complete proofs of reformation. The sentiment of personal dignity and self-respect must be re-awakened in the breast of the criminal; his manhood must be treated with respect, even when under punishment for infractions against discipline: nothing will tend more to make him feel the respect which he owes to others. Instead of pursuing such a line of conduct towards the criminal, what is the course actually taken with him? We treat him with the profoundest disdain; we array him in a repulsive and humiliating garb; we seek to make him forget that he belongs to a family, to humanity; we designate him by a number instead of a name! The principle of emulation should be brought into play in our dealing with prisoners. They should be stimulated to good conduct by means of rolls of honor, by good marks, by premiums even, which should be distributed to them with a certain solemnity in order to strike their imagination. The safety of society is profoundly concerned in such treatment of prisoners.



There is a Gospel parable with which we are all familiar,—a parable most admirable in a psychological point of view, since it involves the entire treatment proper to be applied to criminals. It is the parable of the Good Shepherd. Dr. Despine earnestly presses upon all the friends of prison reform a careful study of this parable. We may say to society: "You desire, in your own interest, that the lost sheep be brought back to the fold. Provide then the means of recovering him. Make it possible for him to return from his wanderings. Do not, by useless and dangerous punishments, sow with disgust and hatred the path that leads back to the fold, and which you desire him to take. Give to the criminal the possibility, when once he is free, of loving labor and of thereby procuring the means of existence. Encourage him, sustain him, watch over him during the first years of his freedom,—a work so well performed by the patronage or aid societies, which cannot be too warmly commended or too generously supported."

To the intent that a penitentiary asylum may fulfil the end here proposed, it is desirable that it should not contain too large a number of prisoners. The rôle of the director in these houses ought to be altogether different from that which he is called actually to fill. The chief of the establishment ought to know thoroughly the special moral ailment of each one of his prisoners and to find himself often in contact with them, to the end that he may, while directing them in the right path, inspire them with courage and hope. The under-officers ought to be well instructed in regard to the psychological condition of criminals, and also on the duties of charity and firmness which they will be called upon to discharge. It is therefore much to be desired that normal schools for the special instruction and training of prison officers be everywhere established.

Such is a rapid exposition of the views put forth by Dr. Despine touching the cause and cure of crime. He insists, with the utmost earnestness, that the essential point in this question lies wholly in the psychological principles which belong to it. These principles once admitted, the practical consequences will flow from them as from a fountain, and it will be the office of experience to fix them definitively.

Although this rational and scientific treatment of criminals has not yet been generally adopted in prisons, yet here and there eminent men inspired by the noblest instincts of the heart, by pity towards beings morally feeble, have undertaken by gentle and loving means to lead them to a regular and virtuous life. In employing a system opposed to official rigor they have succeeded in their attempt. What these benefactors of the human race have essayed under the sole inspiration of their feelings is pre-

cisely, our author affirms, what is taught by cold, hard science, — that is to say, a treatment of criminals inspired and guided by a knowledge of their psychical state and of the laws which govern the moral world. In truth, it is impossible that science should find itself in antagonism with the highest moral teaching; namely, to render good for evil. Science demonstrates that society, in its own interest, should employ towards the man who has injured it a treatment which, though marked by the utmost firmness, shall be at the same time humane and charitable.

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#### CHAPTER XIX. — CRITIQUE ON DESPINE'S PHILOSOPHY.

FIRST, Dr. Despine takes no notice and makes no account of the Biblical doctrine concerning the Fall of man, by which the whole race, having lapsed from its "original righteousness," has fallen into an abnormal moral state. But though philosophy, in its pride of knowledge and wisdom, may disdain such a doctrine and stigmatize it as the offspring of theological dogma,<sup>1</sup> it is none the less a fundamental fact of humanity, revealed with infinite variety of expression in Holy Scripture, and attested by every page of human history.

Secondly, Dr. Despine's doctrine of free-will (*libre arbitre*) we find ourselves unable to accept. Not every volition, in his view, emanates from the will. He lays down three limitations, or cases, in which free-will, as he conceives, has no proper play: 1. When the desires and motives are not opposed by contrary desires and motives. From this it results, that, if a person feels the desire to steal, and that desire is not met and overcome by a stronger countervailing desire, though the individual who is the subject of it actually commits the theft, it is not by a proper act of the will that he does it, but under a sort of necessity, a compulsive force which he is unable to resist. 2. When the desires and motives have no relation to moral good or evil, and consequently the conscience has no concern in the choice. Thus, if I live at Princeton and wish to go to New York or Philadelphia to make some purchase, free-will has no concern in the choice of the one place rather than the other. 3. When the desires and motives which oppose an immoral action are stronger than those which favor it, it is not by an exercise of free-will that the person decides; it is by the desire alone, or the desire which is strongest. The decisions or choices resulting from the desires in these

<sup>1</sup> We do not say that Dr. Despine does this; it would be an injustice to him.

three sets of circumstances, in which the sentiment of duty or moral obligation has no play, are altogether in the nature of things and therefore a matter of course, since in none of these cases has the man any motive to act otherwise than according to his desires. In all of them the decisions, being invariably determined by the stronger desires—desires which the person does not give to himself but is merely the subject of—are not really free. According to Dr. Despine, it is only when the desire which impels to evil is stronger than that which inclines to good, and yet the individual chooses the good instead of the evil, that free-will decides and chooses the course to be taken; because then the man has a motive to choose the one or the other, and is not necessitated to decide invariably according to the strongest desire. He can choose the evil because he desires it most, and he can choose the good because he feels it a duty so to do. This is the only conjuncture of circumstances where, in Dr. Despine's system, free-will has any rôle to perform, any *raison d'être*. Free-will, being thus called upon to decide only in cases where the sentiment of duty intervenes, has its seat in moral liberty alone, and not in the other liberties, which consist simply in the power of doing what we desire when not prevented by others,—a liberty possessed by children, insane people, and even animals.

We find it impossible to accept this philosophy, and equally impossible, in the space left us, to consider and discuss it. But we may remark, in passing, that the sentiment of duty is itself a motive, and creates a strong desire arising from the pleasure which its performance always brings with it. To say that the Creator has not tied the purest and highest happiness to a conscientious discharge of duty would be to arraign at once his wisdom and goodness; for what could be more derogatory to these attributes than to suppose that Deity would bestow a greater degree of happiness on the man in an abnormal than on one in a normal relation to himself? What is there, then, to differentiate the desire and motive created by the feeling of moral obligation from other desires and motives whose strength, according to our author, destroys free-will and draws after it the consequence of converting men into machines? If the motive supplied by the love of ease or pleasure dominating a man destroys his moral liberty and free-will, what reason can be assigned why the motive supplied by the sentiment of duty, dominating another man, does not equally destroy *his* moral liberty and free-will? Dr. Despine suggests none, and it is not easy to conceive any. But this would rob the race of moral liberty, banish free-will from the earth, and destroy all moral responsibility among men. Automatism would then become the one universal law of human as of animal action.

See, too, what a restricted sphere this philosophy leaves to



virtue. There is no virtue and no merit in any human action which is not performed in the presence of two opposing desires,—the one toward evil, the other toward good; the former being the stronger, and being overcome by the naked sentiment of duty, the desire of doing right solely because it is right. Not only does this consequence flow from our author's philosophy, but it is formally avowed and taught in his books. A child obeys his father and mother because he loves them; but there is no merit, no virtue, in such obedience. A man obeys his God from a like principle; but his obedience is equally devoid of any meritorious quality. We like better the philosophy of the great English poet who wrote the "Night Thoughts,"—

"Talk they of morals? O thou bleeding Lamb,  
The grand morality is love to thee!"

We like better the philosophy of Paul, who taught that "love is the fulfilling of the law,"—that is, the principle and spring of all acceptable obedience. We like better the philosophy of the Master, who declared, "I love them that love me;" which must mean, also, that he is most delighted with the obedience which springs from affection. Indeed, love to the authority commanding is the only force which will hold men steadfastly to duty, as magnetism is the only force which will hold the needle steadfastly pointing towards the north, and gravity the only force which will hold the planets secure in their orbits.

Thirdly, Dr. Despine maintains that all great crimes are committed in a state of moral irresponsibility, either because the perpetrators are wholly destitute of the moral sense, or because, though possessed by them to a greater or less degree, it is for the time being held in abeyance by their being in an impassioned state (*l'état passionné*),—dominated, beyond all power of self-restraint, by some violent passion such as anger, rage, jealousy, revenge, or the like. Even drunkenness is held to work a like result, and to render morally irresponsible the man who commits a crime in that condition. At the same time he holds that the minor crimes may be committed by persons normally constituted in a moral point of view, and that these persons, being morally responsible, are justly liable to punishment properly so called; while the great criminals, not being morally responsible, are not liable to punishment in the strict sense, though he admits that they are civilly responsible and may be submitted to a curative moral treatment in asylums. This theory is certainly liable to other exceptions; but an objection sufficiently grave is suggested when it is asked where shall we find human tribunals capable of drawing a line so ethereal and impracticable, so vague and intangible, especially as our author himself admits that persons wholly devoid of the moral sense often commit the minor

as well as the greater crimes? In such cases the courts would be compelled to sentence to punishment persons who are not properly amenable thereto.

Fourthly, our author does not appear to make any account of a process which all observers of human nature and human conduct must have noticed times without number, by which the conscience, originally existing in full strength, becomes gradually enfeebled and incapable of its normal action through long indulgence in evil courses. St. Paul applies to the conscience, when thus voluntarily brought into this state of numbness and inaction, two epithets equally apt and striking, "defiled" and "seared," — "defiled" meaning so corrupted by vicious and criminal habits that it no longer performs its proper office, so blinded and perverted by sin that it can no more judge aright of the moral quality of actions; "seared" meaning utterly hardened, extinct as it were, having lost all sense and feeling of right and wrong. Can the doctrine be accepted that such persons have no moral responsibility for the criminal acts done by them? We think not; and we think also that our author pushes his doctrine of the absence of the moral sense too far, and gives it too sweeping a force. The cases cited by him, though striking and some of them even appalling, do not prove to our satisfaction that this faculty is wanting or deficient to any thing like the extent claimed by him. As yet we cannot but hold to the old belief that there are few persons (we believe there are some) entirely destitute of the moral sense; few in whom there does not exist some germ or flickering of conscience; few in whom there is not a moral capacity, which may be developed by education or perverted by miseducation.

Nevertheless, despite our inability to accept in full the philosophy of Dr. Despine, we gladly recognize a great element of truth in it; and we thank him cordially for his books, which are as original, profound, and able, as they are replete with sympathy for human nature in its weakness and for human progress in its best and noblest aspirations. His view of the family likeness in the three grand elements of man's constitution — the physical, the mental, and the moral — we receive in principle without hesitation, since every day's observation and experience attest its truth. In man's bodily structure we see on one side a perfect animal organization, as represented in the Apollo Belvidere and the Venus de Medici, and on the other little more than a lump of flesh, as depicted in Shakspeare's Caliban; and between these two extremes we find every possible, every conceivable, gradation of perfection and imperfection, the lines of separation melting into each other by imperceptible degrees. In man's mental constitution we see the same differences and the same gradations repeated, from the men so highly endowed intellectually that

they create sciences and produce works of imagination, history, and philosophy which instruct and charm the ages, down to the drivelling idiot who lacks the intelligence necessary to meet the simple necessities of his physical existence. In the moral constitution of man, why should we not expect to meet with divergences equally great and striking? Such, in point of fact, is the case. We see at one extreme of the moral scale beings so finely organized that we instinctively feel them to be as incapable of committing a criminal act as they are of plucking the moon from her seat in the heavens; and at the other extreme we behold creatures of so coarse a mould that vice and crime seem to be their natural, normal element; and between these two extremes we find the same gradations, separated by the same inappreciable lines, as in the realms of physical and intellectual organization.

Few have lived to adult age without having observed cases of this sort. The writer of this article recalls several such, one of which stands out with such prominence in his memory that he cannot refrain from a brief reference to it. We once met a burglar in one of the county jails of New York, a man in middle age, of robust physique, and of more than the average grade of intellectual acumen and vigor. In the course of a long conversation he maintained, with the utmost coolness and with evident sincerity, that burglary is as proper a business as that of law, medicine, merchandise, or any other of the ordinary callings of life. He said that he had no natural propensity to take human life and he would rather not do it if it could be avoided. But he declared, that, if in the execution of a burglary it became necessary to the success of the enterprise to kill a man, he would take his life as readily as he would that of a dog, and would do it without the slightest feeling of compunction. All men, he said overreached each other when they could, and the business of a thief or burglar was as honest as that of a merchant or a lawyer; he saw no difference.

As concerning the treatment recommended by Dr. Despine to be applied to criminals during their imprisonment, we have only words of approval and praise to bestow upon it. He regards such treatment as flowing naturally from his theory of what the criminal is in himself and from that of the causes which have made him what he is. We do not wish to contest this point, for if his theory is correct the consequence is legitimate. All we now claim is that his philosophy is not necessary to originate that treatment. The rational and humane system of criminal treatment, the system of organized persuasion, as Maconochie calls it, existed long before the "*Psychologie Naturelle*" made its appearance. It was first announced by Pope Clement XI. in the very beginning of the eighteenth century (1704), in the motto placed by him over the door of the prison of St. Michael at Rome: "*Parum est*



*improbos coercere poenâ, nisi probos efficias disciplina,*” — “It is in vain that we restrain the wicked by punishment, unless we reform them by education.” This principle was made the basis of the discipline introduced into the prison of Ghent by its founder, Viscount Vilain XIV., more than a century ago. It was equally adopted by Maconochie at Norfolk Island, by Montesinos at Valencia, by Obermaier at Munich, by F. Despine at Albertville, by Crofton in Ireland, by Sollohub at Moscow, and by Demetz, Wichern, and all others in charge of juvenile penitentiaries and reformatory institutions for children and youths. The principle is now recognized by almost all prison disciplinarians the world over who are worthy of the name, though, alas! the practice yet lags far behind the theory.

But, in any case, we give a hearty welcome and a fervent God-speed to so intelligent, learned, earnest, and able an adherent and advocate of this principle, as the illustrious author of the “*Psychologie Naturelle*” and “*La Folie au Point de Vue Philosophique*” has shown himself to be. May his labors in this field yield an abundant harvest!

## PART THIRD.

STUDIES IN PENITENTIARY SCIENCE.<sup>1</sup>

## CHAPTER XX. — MODE OF EXECUTING PENALTIES.

HOW far ought the mode of executing penalties to be fixed by the law? Should the penitentiary administration be clothed with certain discretionary powers as regards prisoners in cases where the general system might prove inapplicable?

The mode of executing a penalty is an essential part of the penalty itself. It is difficult to imagine a change in the mode of execution, without either aggravating or mitigating the penalty; as that to change the one is to increase or diminish the other. It deserves serious consideration that mere trifles, which pass unnoticed by the man who is in the possession of liberty, have great value in the eyes of the prisoner; and to deny them or grant them may be a great misery or a great consolation.

Either the penitentiary administration may make laws, or the statute law must define with precision the mode of executing the punishment by determining the system of imprisonment, the food, the clothing, the hours of labor, those of rest, those to be employed in moral, religious, and literary instruction, what visits and what correspondence should be permitted to the prisoner, what rewards he may receive, what disciplinary punishments may be inflicted on him, and what liberty may be allowed him, to the end that he may to a certain degree have the power of choice

<sup>1</sup> The paper embodied in the chapters contained in this division of my book was prepared by Doña Concepcion Arenal, of Spain, for the Congress of Stockholm, and covers all the questions formally considered by that body. Doña Arenal is a lady of extraordinary grasp and vigor of intellect, and of high social and moral standing in her own country, who devotes her life to the study and exposition of social questions, particularly that which relates to the prevention and repression of crime. She is an authority in her own country and in Europe. The present discussion covers sixteen questions in the science of convict treatment. Though brief, it is thorough; and no lack of completeness is felt. It is original, and profoundly philosophical; and the method is such that almost every statement is in itself an argument. In this respect Madame Arenal strongly resembles Jonathan Edwards. Without agreeing to every proposition laid down by the author, I regard most of what she has said as sound doctrine on the subject to which it relates, and I think that it will be generally accepted as such by the students of penitentiary science. In the official transactions of the congress this paper was published piece-meal, comprising parts of the discussions on the several questions considered in the congress. This is the first consecutive publication of it, so far as I know, which has ever appeared. In its present dress it is a translation from the original French.

in his actions. Moreover, the law should establish two scales, one relating to infractions of the rules, the other to disciplinary punishments ; so that the maximum and minimum of the punishment may correspond to the maximum and minimum of the fault.

The bestowment of rewards may be made with greater freedom, as there is less inconvenience in liberty there.

Observe that, in effect, the administration is nothing more than the officers employed in it, and that even though we suppose them honest, capable, and filled with the spirit of charity towards the prisoners, they cannot, without fixed rules laid down by the law, maintain that uniformity of discipline in the different prisons which justice demands. They will employ a disciplinary punishment for a given offence, according as it may have been committed in such or such a prison, or in the same prison under different directors. If, as we believe, the mode of executing the penalty in all its details forms an essential part of the penalty itself, its equality before the law requires that it be one and identical always and everywhere ; and that, in the manner of applying it, we leave as little as possible to diversity of opinion and judgment, even supposing that we have nothing to fear either from a lack of intelligence or from abuses of any sort on the part of the officers.

There is another reason, still more potent, why the law should define with the utmost possible exactness the treatment to be applied to prisoners. The relations between prisoners and prison officers, since the latter ought earnestly to seek the reformation of the former, should be ever kindly and benevolent. It is essential that there be a mutual love between them. To this end it is necessary that the prisoner see in the officer of the prison, as in the judge, simply a person who applies the law, which it is not competent for him to modify ; and that he apply it, in spite of himself if it is severe, because it is his duty. The prisoner who knows this feels no ill-will and cherishes no resentment towards him on account of it ; and there may exist in spite of it the most cordial relations between the two parties, at the same time that the one applies and the other receives a chastisement inflicted by the law. From limiting the material power of the employé and leaving him less discretion, there will result an augmentation of his moral power, which is his true force, and will most effectually promote the reformation of the prisoner, who can be influenced to good only through respect and love towards his keeper.

The general discipline of a penitentiary ought to be such that it may be applied in all cases where the prisoner is not sick or suffering from some physical defect ; and these are cases which it belongs to the physician to determine. If the penitentiary system is not complete, if it has not the uniformity to be desired



because it is established only in part, or for any other reason, the law ought to lay down rules for such exceptional cases, leaving to the administration the duty simply of applying them, and not that of making them. The legislature may and should listen to the prison administration as to all other competent persons. We can never sufficiently extol the advantage, the necessity, morally speaking, of a complete centre of information where may be gathered and concentrated all the knowledge which exists in a country on any given subject ; where, with that of the oracle of science, is heard also the voice of public opinion, — so that we may be able to form an idea on a given point and at a given moment, not only of what it would be desirable, but still more of what it would be possible, to do. The law being thus enacted, with all the knowledge there is in the country at the time of its enactment, it can hardly have the imperfections with which those would charge it who should leave to the administration the power of making laws, if not of right and formally, at least in fact and in effect.

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#### CHAPTER XXI. — ASSIMILATION OF PENALTIES.

**W**OULD it be desirable to continue the several designations of the penalties privative of liberty ; or, instead, to adopt the legal assimilation of all penalties without other distinction than that of their duration and the accessory consequences involved after the prisoner's liberation ?

What is the object of a classification of penalties privative of liberty ? One or other of the four following suppositions ; namely, to make them more afflictive, more degrading, more terrible, or more reformatory.

*More afflictive.* — The punishment which deprives of liberty for a long time or for some months should be undergone in a penitentiary, the severity of whose discipline could not be made more rigorous without degenerating into cruelty. The food and clothing ought to be what are physiologically necessary ; the labor, whether bodily or intellectual, should be constant, with only such interruptions as are needful for rest ; the solitude and silence, very painful. The uniformity of an inflexible rule will thus be of an afflictive monotony. Nothing of this can be diminished without impairing the order of the prison, without frustrating the discipline, without making impossible a good penitentiary system ; at the same time the rigor cannot be increased without converting it into excessive harshness and even cruelty. Resistance alone can justify increased severity, and that only in disciplinary punishments which are always of a transitory character.

*More degrading.* — Crime dishonors, and therefore punishment degrades. We must not however pursue as an objective this inevitable consequence, but, quite the reverse, avoid it as a rock against which the strongest resolutions of amendment may be broken. The dignity of man is an essential element of his regeneration, and whoever would humiliate him assails that dignity. That his punishment may not become an agent of his debasement and of his relapse into crime, the law should studiously avoid whatever degrades him in his own or others' esteem, and should seek on the contrary to lift him up, and create in him anew the sentiment of self-respect.

*More terrible.* — Punishment with the object of making itself feared cannot withhold the means of attaining that end ; and if those means are not just, as would be the case if they involved cruelty and infamy, they are not admissible. It is not necessary to insist on this point ; the world knows already that the essential condition of punishment is equity, and that the element of equity would be wanting in a punishment which should seek intimidation instead of justice.

*More reformatory.* — What modifications can be introduced into public punishment that it may reform with greater efficiency and certainty? These modifications may be in the material order, in the moral order, or in the intellectual order.

*In the material order.* — We have seen that without cruelty, without putting in jeopardy the life or the health of the convict, nothing can be retrenched in a prison system where only that is allowed which is physiologically necessary. Excessive harshness, far from being a means of amendment, is a means of hardening and deterioration. Generally the man who is suffering from hunger or thirst, or any other painful sensation, is little disposed to the sentiment of remorse ; and the representatives of the law, the delegates of the administration who seem to him instruments of torture, cannot speak to him words which will reach either his heart or his conscience. Convicts are not, ordinarily, persons in whom the intellectual dominates the material, but, quite the contrary, they are in subjection to sensual appetites. When these appetites are in the ascendant, bodily mortifications and enjoyments are alone capable of making an impression, and he who would change a criminal, as must be done in order to reform him, should avoid these things ; it is, therefore, our opinion that the prisoner should have neither material luxuries nor physical mortifications.

*In the moral order.* — How can the punishment be modified so that it may have a greater reformatory power, according to the gravity of the offence committed by the criminal? If penitentiary science had an indefinite reformatory power, it might increase its efficiency in proportion to the need which the of-

fender has of being reformed. Knowing thoroughly that necessity, it would be able to meet it while reserving that part of its resources which would not be needed. But nothing of that sort ever happens. Penitentiary science does not know the exact degree of immorality of any particular convict, and it is never in possession of an excess of reformatory agencies, as it is easy to see by the number of relapses which occur oftenest in the case of those who are guilty of the lighter offences.<sup>1</sup> It results that penitentiary science, in order to reform any criminal whatsoever, must bring into play all its reformatory forces, and can make no difference between criminals in that point of view; since he who gives all that he has cannot give more, and he who ought to give all at his disposal cannot give less. It is not possible, therefore, to form a gradation of reformatory agencies having relation to the degree of immorality of offenders; for on the supposition even that we knew perfectly the degree of depravity in each, to preserve the proportion we should have to sacrifice justice by applying a minimum evidently insufficient, and by substituting symmetry for equity. The moral treatment cannot, therefore, be varied because its greatest efficiency is necessary even in cases of the smallest gravity.

*In the intellectual order.*—Neither can we here any more introduce changes in the mode of executing the punishment according to the gravity of the offence. We can only according to its character modify or suppress certain kinds of instruction, which modification might evidently become an agent in promoting instead of preventing relapses. Except in these special cases, industrial like scholastic education is good for all. To what class of criminals can we deny or even limit it? To those who have committed light offences only, or to those who have committed grave ones? Either instruction is good or it is bad. If it is good, it ought to be given to all; if bad, to none. To cultivate the intelligence of man is to make him more reasonable, and consequently better, provided that in proportion as we give him industrial and intellectual instruction he receive also moral and religious instruction.

It will be seen, then, that we cannot classify punishments on the ground that they are more or less effective, more or less degrading, more or less terrible, more or less reformatory. It results that we can differentiate them only by making them longer or shorter. Their duration must be their sole difference and the only rule for classifying them. Whatever may be our theory of punishment, its classification on the basis of the time during which it continues is convenient. If it is looked upon as

<sup>1</sup> The fundamental reason why relapses are most frequent in this class of prisoners is the shortness of their sentences, which forbids the effective application to them of reformatory agencies.



an agent of reformation, a prolonged education becomes more perfect ; if it is regarded as a means of inflicting pain, — that is, of deterrence by terror, — it is the more efficacious in proportion to its length.

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## CHAPTER XXII. — TRANSPORTATION. — INSPECTION.

**U**NDER what conditions may deportation or transportation be made to serve a useful purpose in the administration of penal justice ?

We do not find any condition that can make useful to justice a punishment which, according to our conception, is essentially and radically unjust.<sup>1</sup>

What should be the competence of a general inspection of prisons ? Is such general inspection necessary ? Should it extend to all persons, and in like manner to private institutions for the detention of juvenile delinquents ?

The powers of an official inspection should vary according to its organization and end. If it is composed of persons of worth, science, and experience ; if these persons are permanent in their positions ; if they form part of a body, respectable and respected, — in such case the inspection may, without harm and with great advantage to the public, be clothed with more extended powers. Its character is not alone fiscal ; nor is it intended merely to look into faults of execution, disorders, etc. It has also a more important mission. The general inspection furnishes to each particular prison that higher knowledge, those ideas of fitness and harmony, which are acquired by looking at things from a more elevated stand-point, by knowing their elements, and by comparing them one with another. In return it receives from each individual establishment the elements just mentioned ; it gathers facts of divers character, — it sees many that astonish it, others which it could never have imagined ; and all suggest to it ideas which it would not otherwise have conceived. It passes alternately from synthesis to analysis, from analysis to synthesis. It gathers facts, which it employs to a useful purpose, and sometimes receives inspirations that come from an obscure employé, perhaps even from a prisoner. Besides, it is a bond of union between all who govern the prisons, which cannot fail to unite their efforts and elevate their views. In proportion as the inspec-

<sup>1</sup> This is dogmatism, not reasoning. It would have been gratifying to have had an exposition of the reasons which led so good a thinker as Madame Arenal to the opinion that transportation is "essentially and radically unjust," for there is evidently two sides to the question.

tion corresponds to this idea its powers ought to be enlarged ; in proportion as it departs from it they ought to be diminished. In Spain we have had experience of inspections which give as their sole result the travelling expenses of the inspectors and the discredit of the high function which they exercise.

An inspection-general of prisons, then, seems to us necessary. If it is competent, not only does it investigate and pronounce judgment, as we have already said, but it also diffuses information, neutralizes the narrow spirit of locality, and gives to justice the uniformity which it ought to have, which is required by equality before the law, and which it would lose if its administrators had no counterpoise to their personal tendencies. There are also in Spain numerous instances in which the régime of the bagnios or galleys varies according to the character or the caprice of the commandant.

If inspection is necessary for establishments organized by the State and under its immediate direction, it is absolutely indispensable for those of a private character. Granting that they were not established through a desire of gain, or that such desire entered into them only to an entirely lawful degree, or even that it had no part whatever in their creation, and that their establishment was due solely to a humanitarian and religious sentiment, inspection is still necessary in order to avoid the possible and even probable exaggerations of mysticism and philanthropy in the case of persons in whom, for the undertaking of so difficult a work, there must have been needed so strong a spring of love to God and humanity.

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### CHAPTER XXIII. — PRISON STATISTICS.

**W**HAT formulas should be adopted for recording international penitentiary statistics?

International statistics, at once the proof and the effect of large progress, may contribute to the increased rapidity of such progress, provided it fulfil three conditions: 1. That it be exact. 2. That it be complete. 3. That it be accompanied with such explanations as may be necessary to the end that the numerical data may not lead to erroneous conclusions.

What is the principal object proposed by international penitentiary statistics? It is to appreciate the efficacy of punishment in different countries under a given form, or the excellence of the several forms or systems adopted. But a social institution, of whatever kind, is not a mechanical apparatus which works in the same manner in one country as in another. According to the

circumstances of the people among whom it is applied, the penal law operates in different manners. Before his offence, while in prison, and after his liberation the criminal is the subject of many and powerful social influences, which may be the auxiliaries of the prison system or quite otherwise. Two men of the same age, of the same trade, of the same degree of education, whose personal condition is also the same, enter a penitentiary with dispositions extremely different, offering more or less difficulties in the way of correction and amendment according to the nation to which they belong.

The perturbation revealed by crime is partial, not total. Morally considered, the criminal is a man in part like other men, in part different. This *difference* constitutes the *resemblance* between those who have committed crimes at Stockholm and at Cadiz. In the person who steals, two things are to be observed, — the thief and the man. These we cannot separate, and yet ought not to confound. The thief constitutes the diseased part of his being, the man constitutes the sound part. This latter varies infinitely. There are no two men perfectly alike ; but they differ most according to the age and country in which they live, — so that two men who have broken the law under the same external circumstances may be two men who enter with dispositions totally different a penitentiary of Spain or of Sweden. The malady may be the same in both, but the resources found in their organism or their character to vanquish it will vary greatly, and the difficulties in the way of re-establishing the moral health of each will differ in the same proportion. How often is it said with reason of a person that he does not get well, not because his disease is incurable, but because the forces of Nature are gone in his case ! Just so in the moral man, the cure depends on that condition of mind which reacts against the crime and gives reformation as the result, — a reaction favored or obstructed by the moral plane of the nation or the community to which the culprit belongs. The prison itself is not hermetically sealed to outside influences. With the same architecture, the same rules, and the same discipline we shall obtain different results, not only according to the disposition of the prisoners, but also according to that of their keepers, their masters, and their guides. These officials do not escape the influences of the community in which they live ; and the system will be a skeleton or a living body according as those who are charged with administering it shall have public opinion or the public example to aid or to oppose it.

On leaving the prison, the outside influence upon the liberated prisoner is much more perceptible. Evil example, impunity, the difficulty of gaining an honorable livelihood, the absence or feebleness of the religious sentiment, the relaxation of morals, popular excitements, — all these circumstances or their opposites hold



him from or push him on to a return to crime. Thus, then, the formulas for international penitentiary statistics ought to express not only the circumstances which it is necessary to know of the criminal in general, but also the special circumstances of the country where he committed his offence; and to that end they should mention all that can make us acquainted with his moral, intellectual, economic, and religious condition. In this manner alone shall we be able to appreciate a given penitentiary system so as not to ascribe to it merits which it does not possess, or faults for which it is not responsible.

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#### CHAPTER XXIV. — PROFESSIONAL EDUCATION OF PRISON OFFICERS.

**W**OULD the establishment of Normal Schools for the professional training of prison officers and employés be likely to promote the success of the penitentiary work?

The overseers and functionaries of prisons should form a permanent penitentiary corps. Undoubtedly the mission of the employé in the detention prison requires less special education than in the penitentiary, as it offers less difficulties; but the difference concerns rather the superior officers than the subalterns, the supervision and care of convicts and of prisoners awaiting trial having a great deal of similarity. The advantages arising from the fact that the employés in the detention prisons and the penitentiaries belong to the same corps would, in our opinion, be very considerable. They would then have that *esprit de corps* which is indispensable if they would perfectly fulfil their mission. They should have a thorough knowledge of what they are to do, and a firm and steadfast will to do it. If we consider how difficult and laborious are the duties of the man who is charged with reforming the criminal, and how great the self-denial he must practise, we shall understand that it is necessary to give him all possible aids, moral and material, to recompense him generously, hold him in high esteem, and excite and cherish in him that *esprit de corps* which, in making the individual responsible for the honor of the whole body, and in giving him a share in their merit, is without doubt a strong support to virtue. One of the obstacles in the way of having a body of officers as capable as would be desirable for the prison service is the difficulty of securing adequate remuneration. This difficulty would be partially overcome by constituting a single corps of the employés in the detention prisons and the penitentiaries, as they then would be more numerous at

the middle and especially at the lower end of the scale. Liberal salaries might in that case be paid to the higher functionaries, which would be at once a recompense to them and an encouragement to those below them. In all things hope is a powerful auxiliary. The young man who enters upon any career willingly serves for a moderate remuneration, if he has in prospect the certainty that at a later day his compensation will be increased. For the same compensation on which not one tolerable employé could be found if he were to be forever held to the service of the detention prisons, there might be had many if they only began their career at that point, and thus formed part of a general penitentiary corps. Whenever we can grade difficulties, it is an excellent method to overcome them.

However complete the theoretical instruction received by prison officers may be, practice is still necessary ; and this ought to commence in the detention prisons both because the difficulty is less there, and because the inevitable mistakes of inexperience are less injurious in a detention prison than in the penitentiary. We have said that there ought not to be any great difference in what is required of subalterns in the detention prison and the penitentiary, for the reason that the necessities of their position in both these classes of establishments are very much alike. We add that even the higher officials have occasion, and that not seldom, to employ all their intelligence and all their self-denial with the prisoner awaiting trial. Often he is alone in his cell, with no relative or friend coming to impart to him counsel or consolation. If he is innocent, what a trial for his virtue ! If he is guilty, what agitation of spirit ! Perhaps the effervescence of passion or disordered appetite which pushed him on to crime is not yet calmed. He seeks in thought the means of proving his innocence or extenuating his offence. He remembers that but a few days or a few hours ago he was an honorable man, he was free ; and now he is within four walls, covered with infamy. He is irritated at the thought that his accomplices are at large, and angry with the instigators of his crime who mock at the law ; or the thirst for vengeance, unsatiated, makes him foam and roar like a wild beast. There are seen often in the detention prison discouragement, despair, rage, and fearful inward struggles ; and there are needed high qualities in the director and the employés of such a prison. For the reasons above-mentioned, we would have no other difference between the employés of the penitentiary and the detention prison than that of beginning their career in this latter.

As regards the benefits obtained by experiments made in this direction we have no special knowledge, and are therefore unable to furnish any useful data to the congress, but we do not doubt that the result must have proved satisfactory wherever the experiment has been made.

## CHAPTER XXV. — DISCIPLINARY PUNISHMENTS.

WHAT disciplinary punishments may be fitly employed in prisons?

The detention prison so long as it does not overstep its just limits is a right of society, and the duty of a person arrested on a charge or suspicion of crime is to submit to its discipline, even supposing him to be innocent. Besides general duties, there are duties special to the situation of each individual man. The special situation of the prisoner awaiting trial has its own duties pointed out in the regulations of the prison. It follows that disciplinary punishment for the arrested as for the sentenced is but the just and inevitable constraint necessary to enforce the right to which he refuses to yield. The rule of the detention prison is not so strict as that of the penitentiary; but, once infringed, there is the same right to compel the transgressor to observe it, and by the same means, except the differences which the difference of situation involves. The prisoner who is simply charged with crime and not yet proved to be guilty, having more rights than the prisoner convicted and sentenced, the disciplinary punishments applicable to him will have a more negative character, and rarely ought they to be positive; but the occasion occurring, his punishment may be made equal to that of the sentenced prisoner as regards the privation of work, of company, and even of light, if his brutal resistance goes so far as to compel it.

The rule which we would follow in establishing disciplinary punishments would be not to injure the health of either the body or the soul, and, in the sad case of not being able to maintain this harmony, to prefer the welfare of the soul to that of the body. We believe that in a prison where rewards are carefully studied and equitably distributed it will rarely be necessary to resort to punishments at all, but in case of necessity these should be employed without hesitation. Such punishments should be the diminution of privileges, or in a grave case the withdrawal of all; the diminution or suppression of the proportion of earnings of labor allotted to the prisoner; the diminution or suppression of communication whether by speech or writing. To which add the diminution of food, the application of the strait-jacket, and confinement in a dark cell. Safely to use the three punishments last named, it will be necessary to consult the physician, and to be well assured that the punishment is not to be inflicted on a sick man, and especially not, as is more probable, on a lunatic. Men treated with kindness and justice are furious only exceptionally, or by reason of some malady. The efficiency of all disciplinary punishments would be increased to an extraordinary degree if the



days during which they lasted were not counted towards the termination of the sentence. In that case even the lightest punishments would become formidable.

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## CHAPTER XXVI. — CONDITIONAL LIBERATION.

WHAT benefits may be expected from the conditional liberation of convicts?

Conditional liberty has one element which renders it highly useful in diminishing the number of recidivists ; it excites in the convict a fear of returning to the prison at the moment of leaving it. That is a moment when the strongest restraint is necessary, because the liberated prisoner is in imminent danger of abusing all those things whose use was forbidden to him during his prison life, and freedom often produces in him a species of intoxication and causes him to lose his head. During those critical days that follow immediately on his discharge, the fear of returning to the prison for faults which are not crimes or even misdemeanors, but which put him on the high road to their commission, is greatly salutary, and it is a new reason for regarding provisional liberty as a real progress in science.

But all true progress of value presupposes other progress, and the one advance cannot be realized without the other. The prisoner who is in the enjoyment of conditional liberty must be subjected to kindly but vigilant watching ; that is to say, there must be a supervising body (*personnel de surveillance*), active, honest, and sufficiently intelligent to apply rules, which, however clear they may seem to such a class of persons, must always leave something to the discretion of those who apply them. Now we either possess such a body or we do not. If we possess it, conditional liberation will be a blessing ; if we do not, it will degenerate into license or tyranny. The convict will violate the rule with impunity, or without violating it he will be returned to prison ; and, in seeing himself unjustly treated, he will thenceforth find a greater difficulty in being just. Conditional liberty is beyond all doubt a good instrument ; but equally beyond all doubt it is an instrument exceedingly difficult to handle, and which a bad handling may make dangerous. In this case, not only does it grant a diminution of punishment to one who does not deserve it, but it also ministers a stimulant, first to hypocrisy and then to vice. It is further necessary to take account of the possibility that a convict may have some resources, and that he may purchase toleration from the officer set to watch him.

Even granting that those who enjoy the boon of conditional liberty are perfectly and effectively watched over, we do not think that it should be granted to them before having served out nine-tenths of their sentence. We must guard against the inevitable reactions which take place in public opinion, and even in those who cultivate the social sciences. Formerly men did not at all concede to punishment a correctional character; to-day the tendency is to recognize nothing else in it. In other times the delinquent was believed to be incorrigible; now it is supposed by many that he may be easily reformed, and this belief is entertained on the ground of pure appearances. Reason ought to fortify us against the exaggerations of fancy. We may give to punishment a character expiatory, deterrent, or reformatory. But intimidation, no less than expiation and education, requires time, and consequently there ought not to be too great an abbreviation of the sentence because of appearances. So long as a convict has not absolutely recovered his freedom, we cannot certainly know whether he is a reformed man, or a hypocrite and cunning actor. Whatever form may be given to conditional liberation, there must ever be one essential condition,—a supervision intelligent, watchful, and honorable; and we must sedulously avoid those excessive abbreviations of sentence which involve the 'peril of impunity to hypocrites.

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## CHAPTER XXVII. — CELLULAR SYSTEM.

**O**UGHT the cellular system to undergo certain modifications according to the nationality, social condition, and sex of the prisoners?

A distinction must be made. If the cellular system is applied in all its rigor,—that is to say, if the prisoner leaves his cell only to take a daily promenade, with material precautions that he may not communicate with his fellow-prisoners,—in that case the nationality, or rather the race, and the social state, because of the difference in religious and literary instruction and in intellectual activity, may render absolutely indispensable some modifications which otherwise might not be needed. The Spanish convict, for example, who is ignorant of the art of reading, or who generally has but an imperfect understanding of what he reads; who never read the Holy Scriptures, nor any book of devotion; who, in the matter of religion, is very ignorant and very indifferent, little instructed in morals, often led astray by errors, and exasperated by resentments,—what will such a one do alone, receiving an occasional short visit, and having, as his sole resource during

the rest of the day and the night, the Bible or the Liiany, if he knows how to read? He will become more and more brutalized; or, filled with rage and rancor, he will be ill-disposed to correction and amendment. Solitude is borne less easily in proportion as the subject of it has less intellectual resources. It may be that he will neither fall sick nor become mad,—that he will experience none of these visible ailments; but we have no guarantee that he will not become more and more debased if he is left alone, or without powerful aids, in his moral and mental misery. Leaving out of view physical transitions, moral transitions are exceedingly multiform; and they are more sudden according to the life of the convict when he was free. Civilization with its wants and its customs establishes certain rules and that sort of discipline from which it is not easy wholly to withdraw one's self. A convict who makes coals in Estremadura in the open air, cutting wood on the mountains, and a workman of France or Belgium who works thirteen hours a day in the atmosphere (often deleterious) of a manufactory, must receive impressions very different on finding themselves confined in a solitary cell. We are therefore of the opinion that the cellular system ought not to be applied indiscriminately, irrespective of the degree of civilization of a country and of the social conditions of its people. At the same time we think that the cellular system, in a modified and milder form, may be applied to the prisoners of any civilized country whatsoever.

As regards sex, it would seem that no modification of the system is necessary, at least until experience has shown its necessity,—a result which we never expect to see. The woman is more docile, more resigned than the man; she has habits more sedentary, and consequently accommodates herself better than the man to the reclusion of the cell. With her the sentiment of religion is stronger, which gives her an additional means of assuaging the bitterness of solitude.

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#### CHAPTER XXVIII.—DURATION OF CELLULAR SEPARATION.

**S**HOULD the duration of cellular separation be unalterably determined by the law? May the prison administration admit exceptions for other causes than sickness?

The duration of the punishment, with all its important conditions, ought to be fixed by the law. It is past doubt that there is in that an inflexibility to be regretted, and an imperfection to be deplored. This is partly the consequence of human imperfection,



whose ill effects cannot be lessened by arbitrary action. Let us suppose that the arbitrary power of deciding in all cases upon the important elements of the punishment does not allow itself to be guided either by passion or by interest on the part of the functionaries of the administration, but that it acts always with honor and in good faith,—how many erroneous decisions would be made from the different ways of looking at the subject! Do we not see men contend, even to the death, all of them appealing to justice in the idea that they are under its guidance and its shield? If such has always been the case, it will be still more so in those historic moments when all is subjected to the crucible of discussion, and when by weakening the prestige of authority individual opinion tends to lift itself into law. The directors of penitentiaries are but men, and they follow a disposition and habit natural to man, — which is not always to appreciate things and persons in identically the same manner; and prisoners would suffer for the same offence quite a different punishment if such punishment might be modified by the directors, whose opinions would infallibly be converted into facts. The duration of isolation being an essential part of the punishment ought to be fixed by the law, so that it may as far as possible be equal for all. The tribunal which pronounces sentence should have a sphere of action broad enough to graduate the punishment to the offence, and this ought not to vary according to the different judgments of the various agents of the administration. Nothing should be left to arbitrary will, except what cannot be otherwise dealt with; in penitentiaries this will always be considerable.

As the exceptions to be made by the administration relate only to cases of sickness whenever it is a question of shortening the time of cellular reclusion, this does not constitute an exceptional case properly so called; it is only a regulation made for the sick.

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#### CHAPTER XXIX. — PATRONAGE.

**H**OW should the patronage of liberated adult prisoners be organized?<sup>1</sup> Should there be distinct societies for the two sexes?

The patronage of discharged prisoners should be so organized as to have unity, liberty, generality, and independence.

*Unity* — This may be secured by establishing a centre in the city which has the largest number of elements for such a pro-

<sup>1</sup> Madame Arenal here refers to prisoners'-aid societies.

tective work. This central section should be in connection with as many particular sections as there are penitentiaries within the district covered by its work.

*Liberty.* — Effort should be made to render common to all the sections whatever is essential; but even this should be freely accepted after the necessary discussion. As regards what is not essential, complete liberty of action must be accorded so as not to thwart individual inclinations or paralyze personal activities, which may have different forms according to diversity of circumstances and characters. Unity is not symmetry: it consists in the same spirit, the same end; it requires that the means employed to a given end be good, not identical. Unity and liberty are two elements of life, which must be combined in fit proportions, neither more nor less. It is the same in the patronage of liberated prisoners as in every other benevolent work of whatever kind. Many such enterprises die or languish through excess of liberty within a restricted sphere; or as the result of a too rigorous unity, which is an obstacle to free movements.

*Generality.* — That the action of patronage may be efficacious it must be generalized, and that in two ways; namely, by seeking associates in all places and in all classes. We must avoid in moral as in physical maladies the formation of centres for the agglomeration of patients; and if isolation in the prison has its *raison d'être* for the incarcerated, there is the same reason to avoid the grouping of discharged convicts. Consequently, because of the grave evils to which they are exposed in large towns, it is desirable to scatter them through the small ones, and that there may not be a village or even a hamlet where patronage shall not find an associate. It is still more important to seek such associates in all classes; and that is more difficult for several reasons,—one of these reasons being the mistaken idea that we cannot take part in charitable works without money. Thus the poor are excluded, thereby depriving them of a means of improvement and society of immense benefits. Fraternity does not consist in granting rights which cannot be refused, nor in giving alms in association with such an one, and with such another not: fraternity is love, esteem, relations on a footing of equality, a union of hearts. If it is our duty to fraternize with the people, it is our duty to commune with them,—to commune with them not on the altar of religion only, but on the altar of good works. For many benevolent works there is no need of money, and there is not one for which money alone suffices. The co-operation of the common people is indispensable in the work of aiding liberated prisoners. It signifies little that the millionaire or the savant patronize them, if they are repelled from the workshop. A godfather *there* would be more useful, on occasion, than all the patrons they might have in the saloons or the academies.

The services which might be rendered to the work of patronage by associates in *blouse* are immense ; they are found much nearer to those who are the objects of patronage, and who perhaps work the whole day at their side. These see them wavering in the good way ; they observe the little faults which precede graver offences ; they can give counsel before passion has blinded them and extend to them the hand before the great fall. Persons of a different social position have no occasion to be well acquainted with their *protégés* if these do not seek them, and often they do not.

It will be said perhaps that the "associate" in *blouse* will be wanting in authority toward his *protégé* ; but we believe that the authority of his good example will be greater than that of wise discourses. We scarcely realize how much an exhortation made to an unfortunate by one who is more fortunate loses of its moral force. A person who enjoys the advantages of a good social position and the general esteem, in advising the discharged convict to resign himself to his misery under the want of work, and to his ignominy under the frown of a hostile public, must awaken in the mind of him whom he essays to persuade the idea that it is an easy thing to exhort to the endurance of evils which one does not suffer, and that he who exhorts would not be capable of doing that which he counsels. But when the outward situation of the protector approaches that of the *protégé*, when his own task is a hard one, when he earns his living in laborious obscurity, uncheered by the flatteries of the world and unblest by the favors of fortune, then his voice speaks with authority, or rather he has no occasion to speak. The example of an honorable poor man, who works and struggles against his ill fortune, is more eloquent than all the harangues of the wise and the learned.

It may be thought impossible to enlist the co-operation of working-men in the work of patronage in behalf of liberated prisoners. We do not think so. At all events, it should be attempted ; it is well worth while to do so. Difficulties must be encountered as a matter of course, and we must be content with small success at the outset. Where is the rich man who could not find an "associate" in the working class ? There is not one, if he would seek such associate in earnest. That would suffice for a beginning ; and it would have other advantages, the enumeration of which would lead us too far away from our subject.

*Independence.*—The independence of patronage is another essential element of it ; for if it were believed to be under the influence of, or even in relation with, the police it would lose the greater part of its prestige and its power.<sup>1</sup> That the indepen-

<sup>1</sup> Madame Arenal writes with the police of the Continent, perhaps especially that of Spain, in her mind. In England the whole body of police co-operate in this work, and such co-operation is found both fit and effective.



dence of patronage may be real and fruitful, it must show itself supported only by the generous enthusiasm to which it owes its origin, without other force than that which is moral, and without other constraint than the power of the intellect and the affections. All other circumstances being equal, the patron will the more easily influence the subject of his patronage in so far as this latter believes him to be independent.

It does not seem to us to admit of a question whether persons discharged from prison ought to have protectors of the same sex, and, consequently whether there ought to be formed distinct patronage societies for women. Certainly, also, like the societies for men, they should combine in their organization unity, liberty, expansion, and independence.

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#### CHAPTER XXX.—STATE AID TO PATRONAGE.

**O**UGHT the State to grant subventions to patronage societies, and under what conditions?

We observe, generally, that patronage societies complain of the want of funds, and ask them of the Governments as a condition of success. Considering that these complaints and requests are constantly repeated, we begin to be in doubt whether our opinion against patronage societies being aided by the State is not erroneous. The reasons which have, in our mind, favored this opinion are the following:—

1. When too many facilities are given to a benevolent work, it is apt to languish from the lack of that energy which is born of constant struggles.

2. Funds are dispensed with less circumspection which are received without labor than those which are given through sacrifices or acquired with difficulty.

3. In associations for the patronage of liberated prisoners there are needed in the members more intelligence, zeal, and self-denial than money; because, if they dispense large funds, they will be likely to be besieged by hypocrites, who come to them more for "the loaves and fishes" than for advice, protection, or work.

However, if patronage societies are aided by the State, we should desire that it might be without conditions. Either they deserve confidence, or they do not. If they do not deserve it, they ought not to receive the State's generosity. If they do deserve it, there ought not to be imposed upon them conditions which might become hindrances instead of guarantees.

## CHAPTER XXXI. — REFORMATORY INSTITUTIONS.

ON what principles should institutions be organized which are designed for offenders acquitted as having acted without knowledge, and placed under the care of the Government during a term fixed by the law?

To answer this question in a satisfactory manner, it will be necessary to examine briefly what is meant, or what ought to be meant, by having acted without knowledge.

How and when does a human being acquire that full development of his faculties, in virtue of which a complete responsibility is exacted of him for his actions? From one hour to another, in this month or the next, he does not pass from an ignorance of justice to the knowledge of it; but, rather, he comes to an understanding of it little by little. And is this knowledge like a revelation which, though gradual, has a character of spontaneity, or does it result from reflection? Humanity is in possession of many truths on which it has expended no effort of reflection, and which are for it strong beliefs, and not certainties, reached through force of reasoning. The things which it *must* know it knows by intuition, and believes rather than knows them. To reason upon these knowledges due to inspiration, to reflect upon these beliefs, is a progressive work, and it largely contributes to progress.

In the life of man there happens something which bears a strong resemblance to this. The notion of good and evil precedes the power of analyzing it. When the child is very small we do not say to him, "That *ought* not to be done," but "You *must* not do that." The authority is imperative; the matter cannot be reasoned, because it concerns a being who does not reason yet. But does it follow that he is irrational? To a horse, an ox, a dog even, we do not say, "That *must* not be done;" we beat him, or we menace him, to prevent his doing it. It is evident to the most ordinary observer that very early in his life the infant is treated in a manner altogether different from the brute, and that in the imperative tone there is found the idea of duty, which is not explained to but imposed upon the child, who more or less confusedly comprehends it already. This idea of right and wrong soon becomes clear, if external circumstances do not obscure it. We must not confound the limitation of the sphere of intellectual action in a child with ignorance of the things contained in that sphere. A child lacks many sorts of knowledge, many stimulants, many passions; he is ignorant of many kinds of right and wrong action; but in his little circle he distinguishes quickly, very quickly, wrong from right. In proportion as this circle is

enlarged he may be said to be enlightened. The clearness of his ideas increases together with their number ; but between knowing the whole extent of right and wrong and knowing nothing there is a scale or gradation, on which the reasoning man stands on the highest round, and the insane man or the brute — not the child — on the lowest. It follows that when the child has done something which the law punishes, and it is said that he has acted without knowledge, we do not speak with absolute precision, and in pronouncing a judgment of acquittal we do not do so in strict conformity to justice. That a child does not know all the wrong he has committed is quite possible ; but that he is wholly ignorant of it is not probable. The essential elements which go to make up a *sufficient* knowledge of a wrong action are simple ; an ordinary man possesses them equally with a philosopher ; it is possible that a child may possess them also. We say a *sufficient* knowledge, because nothing more is required to moral or even legal responsibility, though it may not be all the knowledge possible. It seems to us that only exceptionally do children transgress without knowledge ; that is to say, without the knowledge that they are doing wrong. Does the law, which says so, believe it ? And does it make the declaration in consequence of such belief ?

What signifies placing the child, who is not legally responsible, at the disposition of the administration under such or such conditions, or for such or such a time ? If there is no knowledge, there can be no offence, no punishment ; and enforced reclusion, whatever name we may give to it, is a punishment. It will be said that the child must be instructed. And why this child, and not a hundred or a thousand others, whose education no one looks after ? Is it supposed that this one has greater need ? And why ? Because his manner of acting proves that he has greater need of correction. But what he has done is not an isolated and fortuitous act. His hand did not maim or steal, as if moved by a mechanical spring. Some relation must be supposed between his manner of being and his manner of acting, without which the law would not deliver him up to the administration for correction. It results that the law, not to be wanting in justice, must be wanting in logic, since it punishes him whom it has declared not responsible. It will be said that the punishment has for its sole object instruction ; but if these distinctions may be made on paper, nevertheless, in point of fact correctional punishment is expiatory. We cannot correct one who has offended in a grave matter without mortifying him in some degree, and without causing him and others to fear this mortification. Certainly we may congratulate ourselves on this harmony in the elements of punishment, which some would make exclusive or hostile ; but we must understand that the law punishes the child whom it orders to be placed in reclusion.



As regards the mode of punishing or instructing, it is essential that we know whether the child has acted with or without knowledge ; whether or not he knew what he was doing. In the latter case, we have only to await the development of his intelligence, and cultivate it ; in the former, we must rectify his will without hesitating to inflict the mortifications which he deserves, and which he needs who has a perverted will. It is difficult for us to believe that a child who does wrong knows what he is doing ; but we must not admit or deny the facts because they are agreeable or disagreeable, but rather because they are false or true. Though it is far from agreeable to characterize a child as a delinquent, still it is necessary to inquire whether he is so. Precocity, in all things, is a fact well established in our times. Every day we hear old men say that children are more depraved now than in their time, and that they are pained by the fact that infancy very quickly loses its ingenuousness and its innocence.

Although there may be some exaggeration in these complaints, there is also a good deal of truth, for the fact which gives occasion for them is in harmony with others. Let us see. On every side the age required for majority is diminished, or at least there is a tendency to abbreviate it ; and although this tendency has several causes, one of these causes without doubt is the observation that young people are in a state to govern themselves earlier than in other times. We see numerous instances of a remarkable precocity in acquiring all sorts of knowledge ; and in the theatres artists of extraordinary merit make their *début* who might almost be called little children. Statistics show a wrong precocity in crime. It does not belong to the present essay to inquire into the causes of this ; but the certain fact is that the passions appear and the intelligence is developed at a very tender age ; a fact which ought to make us cautious in declaring the non-responsibility of a young delinquent.

There is an oft-repeated fact, well suited to lead to a misconception in this matter. A child commits an offence ; in attempting to reform him, years roll away before the work is accomplished ; but in the end he becomes an honorable man. From this the conclusion is drawn that in committing that offence he did not know what he was doing, and that as soon as he had knowledge he acted rightly. There are cases in which this conclusion might be correct ; but there are others, and they are the more numerous, in which it would be erroneous. A human being, as soon as he may be regarded as a moral being, — that is, as soon as he possesses an adequate notion of right and wrong, and the power of realizing the one or the other (which happens in the first years of his life), — experiences changes of transcendent importance from good to bad and from bad to good in his moral physiognomy as well as in his physical. He has crises, almost

metamorphoses. Sometimes the excessive development of one faculty leads to bad actions ; at other times, quite the reverse : the disturbing element is in germ, and lacks the necessary development ; so that it may happen that the man is much better or much worse than the youth or the child. But because he has changed by becoming better it does not follow that he was not bad, or that he did wrong without knowledge. Because during that period of life when changes readily occur evil did not impress itself permanently on the character, we must not infer that it was committed without being distinguished from good.

Starting from these principles, we would organize as houses of correction the establishments which should receive children declared not responsible by the tribunals. We would treat them without forgetting the physical and moral conditions of their age, cherishing a stronger hope of a radical cure, but persuaded at the same time that there is a real disease, that there is a depraved will, and that it is necessary to influence it to good instead of looking upon it as pure, and addressing our treatment only to the understanding. It is necessary to classify the children committed by the tribunals to the administration as not responsible for the wrong they have done ; for some of them, in spite of their young age, have a depraved will, and others, really free from fault, have been pushed on to evil by misery, desertion, or bad example ; or they have been instigated and constrained thereto by those who should have guided them in the way of good. In pronouncing upon the responsibility or non-responsibility of children and youths, we would pay little attention to their age, but rather to the circumstances of their offence, their antecedents, their surroundings, etc. ; and, according to these circumstances, we would have them gathered into a house of refuge or of correction. Of this latter character, according to our conception, should generally be the houses which receive children who have transgressed in a matter of some gravity, and have been declared irresponsible. These establishments, whether agricultural as would be preferable, or of some other class, should aim to straighten out the crooked and perverse wills of their inmates.

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#### CHAPTER XXXII. — PREVENTIVE INSTITUTIONS.

**I**N what manner should institutions be organized which are intended for the treatment of vagrant, mendicant, and deserted children ?

These institutions should vary, as they are found in countries

where individual action is feeble or strong. As regards those countries which are happily in this latter case, the administration will aid ; for the others it will be aided. It is desirable that the direct action of the State should not be necessary in the case of the children referred to in this question, and that private associations should charge themselves with the succor of these children physically and morally. These associations, without losing their initiative or their liberty, should be conducted on the same general principle, that they may mutually support and aid each other, and avoid the evil of isolation. The organization of societies created for the protection of neglected, abandoned, and vicious children should be organized in such manner as not to be confined to the large towns, where there would be great agglomerations of them ; but, quite the contrary, where they would be diffused if possible over the entire territory, having associates and fellow-workers even in the smallest villages. In this way alone could they effectually secure three objects, highly important to the class of children under consideration : 1. To place them at a distance from the great towns. 2. To avoid the formation of large communities in the same establishments. 3. To procure for them the advantage of family life.

We know the disposition of the working classes to crowd into the cities. If this is prejudicial to adults, it is much more so to children, whose precocious depravity finds in the great centres of population attractions so dangerous and so fatal. As well to invigorate their body enfeebled by misery and disorders as to preserve their soul from excitement and temptation, it is important to keep the child or the youth far away from the centres of vice, into which they have probably been already initiated. If it is not possible to employ them in agricultural labors, it is at least desirable to place them in villages, where are not found those throngs of people who seem at times to be possessed by the fever of pleasure, which is easily converted into a frenzy of vice.

The accumulation of vicious boys in charitable institutions is prejudicial as well to their moral as to their physical health. In view of the fact that great precautions are needed to preserve the children of the well-to-do classes, who have received what is called a good bringing-up, from being corrupted in the great colleges, we shall understand the danger of grouping into large aggregations children the greater part of whom will have been already initiated into the mysteries of vice. Great obstacles will have to be overcome in making and keeping pure the moral atmosphere of these asylums when their inmates are in large number.

The best means of securing an honorable future to a boy who has been living in destitution and disorder is to procure for him a home in a truly respectable family, in the country if possible,



and under the care and watch of a patron, after having passed more or less time in a suitable asylum in study and under wholesome discipline. The object of patronage in the case of such children indicates the mode of organization. It ought to have unity. It will have centres in the great towns, where will be found the larger number of its *protégés*, but it should not concentrate its whole life there. On the contrary, it should diffuse its vitality over the whole country, where its action is necessary. It should seek associates in the small villages, in hamlets even, to the end that it may have representatives wherever it shall have *protégés*.

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#### CHAPTER XXXIII. — INTERNATIONAL POLICE.

HOW can uniform police action be secured by the different States, with a view to the prevention as well as the repression of crime?

As the police of different States corresponds to the morality and the culture of their several populations, international action can do nothing effectual, directly and immediately, to improve it. States may contribute to this result indirectly and gradually, by giving to their peoples a more exact and more elevated idea of justice; and especially might they do so if the honor of nations would allow of its realization. Extradition treaties are an essential preliminary to an international code, but they are not to be taken as the last word of international justice. So long as legislation is not uniform, there cannot be, it is said, an international code. We do not concur in this opinion. An international code might include resemblances, while it excluded differences; and though such a code would necessarily be very incomplete, it would nevertheless be very useful. It would tend to show the universal character of justice, at the same time that it would give to it greater majesty and force. It would energize the tendency, already strong, to render legislation uniform; it would take from the criminal the hope of finding impunity in expatriation; and, finally, it would put an end to the thousand conflicts that arise, always to the detriment of justice, from the partial and diverse conventions which are entered into with a view to realize it. These conventions might be continued as long as should be thought necessary, but without prejudice to, and in harmony with, the international code adopted by all civilized peoples, whereby they would agree, —

1. To define the offences universally punishable.
2. To designate the penalties which should be applied to them.

3. To provide the means of rendering the punishment effective, whatever might be the nationality of the criminal, or the locality where he committed the offence.

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#### CHAPTER XXXIV.—RELAPSE.

**W**HAT would be the best means of combating relapses?

The causes of relapse being different, the means employed to combat it should be different.

That which at first blush presents itself as most effectual is a good penitentiary system. If the prison, in place of reforming, makes more depraved, we must commence the battle against relapse by changing this tendency. The probabilities of relapse diminish in proportion as the wholesome action of penitentiary education increases. Now, penitentiary education as regards relapse acts in two ways,—by reforming and by intimidating. This it does by the truths which it teaches, by the sentiments which it inspires, by the habits which it forms, and by the sufferings which it inflicts. There is no need to believe that punishment may not be painful and reformatory at the same time. There will be many prisoners with whom the memory of their sufferings in prison will be a motive not to return to crime; and while it is neither the noblest nor the first, in certain cases it may be the only one, or it will at least have great value as an auxiliary to others.

The second means of combating relapse is to give to the prisoner during his incarceration the greatest liberty and support possible, or, what amounts to the same thing, not to convert the action of authority into a vexation, and in this manner to render that of patronage pervading and efficacious. To this end it is highly desirable to establish classes among the prisoners, because a certain degree of freedom of action may be accorded to the greater part. In extending to the whole prison population the rigors of which only a few have need, obstacles to reformation are created in place of facilities. From the moment that authority allows its prudence to degenerate into suspicion, it promotes instead of combating relapse.

To understand the high mission of the work of patronage, we must consider what should be the standing of the discharged prisoner before public opinion. It is charged with repelling him, and with making his amendment impossible by refusing to believe in it. It is charged with compelling him to return to crime through the obstacles which it opposes to his regeneration. We will not deny that there is a great deal of truth in this accusation;

but the question has two sides. Ought public opinion to receive the liberated convict without any sort of distrust or repugnance? Leaving out of view material inconveniences, and supposing even that there are none, must every precaution be laid aside relatively to the discharged prisoner, and no distinction be made between the honorable man and the delinquent? Even though the criminal be reformed, — which, after all, cannot be certainly known, — does he deserve the same consideration, the same esteem, as the man who remains steadfast in virtue amid critical situations and in spite of severe proofs? Let it be observed that the mass of working-men, poor and miserable in the midst of the luxury and leisure which tempt and excite them, suffer these temptations and resist them. What will the honorable poor man, who has not taken the goods of his neighbor though himself and his children were hungry, think if he is placed upon exactly the same level as the man who has been convicted of theft and sent to prison for it? Will it raise or lower the public morals to make no distinction between great faults and great merits, under pretext of not cherishing resentment against reformed criminals? Is it a stimulus to persevere in a virtuous course under great difficulties to see that virtue inspires no more respect than crime after the expiration of the time thought necessary to punish it? Shall we grasp with the same warm affection the hand that dried the tears of the afflicted and that which shed the blood of the innocent, even though we are certain — which for the most part we are not — of a sincere repentance? Are we to hold in precisely the same esteem one who would have us forget his past and one who desires us to remember it, — the man who stands in need of pardon and the man who asks only for justice? Human progress is marked by action and reaction, — a lamentable and probably an inevitable consequence of human imperfection. Of the convict, erewhile weighed down with horrible and impious anathemas, we would make a candidate for the unconditional esteem of the public. Once out of the prison, we would lift him to an equality with the virtuous man by loudly declaiming against those who would establish differences that must become difficulties to him who has departed from the good way and desires to return to it. It would be well to recognize the fact that these difficulties, to a certain degree at least, are found in the nature of things, and that this equality before public opinion, which it is claimed ought to exist between the honorable man and the man who has gravely offended against the laws, cannot be established without prejudice to morality and justice. But the severities of justice, are more equitable than that complaisance of a blind sympathy which, to offer facilities to the criminal would deprive the virtuous man of that *discriminating* consideration which, with the testimony of a good conscience, constitutes his sole recompense.



What to do under this state of the case? How shall relapse be prevented?

There are two facts: 1. The necessity that the door be not shut in the face of the liberated prisoner. 2. The disposition of the public to shut it against him, which up to a certain point is just.

What can reconcile these extremes and harmonize these discords, which are so deeply rooted?—Charity, and nothing but charity. Charity—sole, courageous, and loving patron—stretches out her hand to the guilty, sits down at his side, calms him, guides him, accompanies him, knocks with him at the gates of society, which opens them on beholding him protected by this divine intercessor. As charity loves so strongly, she fears nothing. Her trust, which is illimitable, binds the criminal by its generosity, encourages those who feared him as dangerous, lessens the distance of those who recoiled from him, and by her example and her love procures for him the forgiveness, the oblivion, the rehabilitation which would have been refused to justice, and is accorded only to the prayers of charity. To her it belongs to re-establish the interrupted harmony between the criminal and public opinion; to prove by actual contact that he has not lost the essential qualities of a reasonable and moral being; and to furnish those securities which seem rash to persons who are without faith, but to which almost always respond the greater part of mankind.

After a good penitentiary system, then, the first and principal means for preventing relapse is the patronage of liberated convicts. In penal mechanism this is an indispensable wheel, and on its perfection depends in large measure the result to be obtained. The need of patronage is essential and permanent,—the same as the repulsion inspired by the liberated prisoner, and the obstacle which this repulsion presents to his living an honorable man.

The general state of society may offer more facilities to virtue or greater stimulants to crime. These conditions have their influence on all men. In the latter of the cases supposed they increase vice, immorality, crime, and consequently their repetition. But in this case relapse cannot be combated directly, though it may be indirectly. Its remedy, like its cause, will be found in the manners of a people, and will change only with them. There are, however, more harmonies than those which are apparent. Neither a perfect penitentiary system nor a well-organized system of patronage is conceivable in a country where the moral level is very low,—insomuch that wherever the tendency to a return to crime (*récidive*) may be combated by the means indicated, this same tendency will also be opposed by public opinion, by national manners, by justice, and by good laws.

## PART FOURTH.

CHILD-SAVING INSTITUTIONS IN GERMANY.<sup>1</sup>

## CHAPTER XXXV.—ORIGIN OF THESE INSTITUTIONS.—THEIR CHARACTER.

IN attempting a somewhat comprehensive review of this great work of Christian benevolence, the fact is not to be overlooked that very valuable information in reference to it has already been given to the American public by Liefde, Stevenson, and more especially by Dr. Henry Barnard, of Hartford, Connecticut. This last-named gentleman has done great service to the cause of reformatory education by his faithful, minute, and lucid account of the reformatories of Europe, and particularly of Germany, pointing out at the same time the points of difference between them and the reformatory institutions of America.

To do full justice to the subject in hand, a volume would be needed instead of an essay. For the statements contained in this paper the writer has drawn in part from personal observations, in part from the annual reports of the more important of these institutions, in part from the "Flying Leaves" of the *Rauhe Haus* at Horn, near Hamburg, but more especially from the excellent article on this subject written by Dr. John Henry Wichern, of the *Rauhe Haus*, and published some years ago in a German encyclopædia.

The child-saving institutions of Germany date their existence from the beginning of the present century. Though, as will be seen, there had previously existed similar institutions, the character which they have assumed in our day, the interest taken in the class of children educated by them, the spirit in which the work has been carried on, and the success which has crowned them have thrown all former efforts into the shade.

The number of parents who have troublesome children is large, not only among the poorer but among the more wealthy

<sup>1</sup> The material for this part of my work has been furnished by the Rev. G. C. Holls, Superintendent of the Wartburg Orphan Farm-School, near Mount Vernon, Westchester County, New York. Mr. Holls may be said to have been brought up at the feet of Gamaliel, having been trained to his work at the *Rauhe Haus*, by Dr. Wichern himself. His duties, however, have been so many and so exacting that his communication has been delayed beyond its proper date. But it is just as valuable here as if it had come in time to go into that part of the present work where it would more fitly belong.

and cultivated classes of society. If such children become amenable to the civil authorities, they are classed as juvenile delinquents, for whom these authorities have their correctional or punitive institutions. Most parents dread to see their children placed in these latter institutions, and hence they look anxiously around for a place where such children, who are so difficult to manage, may find a home which shall meet all requirements of a Christian education, — a home where such education is made the primary object. There exists, therefore, a fundamental difference between the private German child-saving institutions and the Government houses of correction or reformatories for juvenile delinquents, though the depravity of the inmates of the former may be even lower than that of the inmates of the latter.

The correctional institutions for juvenile delinquents are, in Germany at least, established by the State for the purpose of punishing the offenders according to law, though this punishment may be and is varied according to the crimes committed. The other kind are not established by the State, but by private charity, and never for the purpose of punishing. In the former the children enter by the force of law; in the latter the inmates are never kept by the sentence of a court, but solely by the authority of the parents who brought them there, and by the kindness of the superintendent and his family, who act *in loco parentis*. The fundamental principle of the house of correction, even in its educational arrangements, is the law; the fundamental principle which rules the private institutions is the gospel with its grace.

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#### CHAPTER XXXVI.—HISTORY OF GERMAN CHILD-SAVING INSTITUTIONS.

IF we turn our attention to the history of the German child-saving institutions, we find that Hamburg, Lübeck, and Bremen, in North Germany, early followed the example given by the Dutch cities of Amsterdam, Leyden, etc. It is a remarkable fact that in these primitive institutions the principle of classification was adopted. Jacob Doepler, in his interesting publication, "*Theatrum Pœnarum*," published in 1693, says that the boys in these institutions were required to work, and received instruction in the elementary branches. Parents were permitted to send their disobedient children to these houses, "that their longing appetite might leave them." August Herman Franke, the founder of the orphan asylum in Halle, received among his orphans many children who ought to have been in the institutions for vicious



children. Many orphan asylums, even to the present day, have overlooked the important fact that orphanage as such is not a vice, and that orphans ought not to be brought into contact with children who are vicious and ill-disposed.

Henry Pestalozzi must be mentioned first in speaking of the history of the German child-saving institutions. He labored with a heart full of love towards the erring and neglected children to restore them to society. But he never had an idea that the glorious gospel of the Lord was the only power unto salvation. In his school at Stanz instruction and work were pleasantly combined, but for religious instruction there was no room, and none such was imparted. At the age of eighty he witnessed for the first time what he had been striving for during his whole life, when, in 1826, he saw the institution of the venerable Zeller, at Beuggen. When the children of that institution presented him with a beautiful wreath, as they sang one of their sweet hymns, Pestalozzi said to Zeller: "This is what I wanted to accomplish." The noble Fellenberg, of Hofwyl, was also connected with the labors of Pestalozzi.

One feature of the German child-saving institutions we notice from the start; it is the happy combination of the true Christian and national spirit. This it was which called them into being, and has given life to them all. We can mention only a few of the places from whence, independently of each other, issued the movement for this class of establishments. John Falk, of Weimar, the friend of Goethe and Herder, was the leader in this work. Not merely as a philanthropist, but in a true Christian faith, he established the first German house for child-saving work. In company with his friend, the Rev. Mr. Horn, he formed the "Society of Friends in Need," and three hundred children were soon placed under the care of worthy mechanics and farmers. With the assistance of his own pupils, prepared by their apprenticeship, he built his "Lutherhof." Not long after the completion of this large building, he was called to his eternal home. Rector Charles Reinthaler, the friend and admirer of Falk, established the Martinstift, in Erfurt (1819). The writer, during a visit to this institution, was deeply impressed by the heroic faith of that noble man and devoted Christian. He entered into all the details of his work, not forgetting to show the interesting relics of the great reformer, Martin Luther, in whose honor he named his institution. Reinthaler gathered children from the streets and out of the prisons into his schools, in which he practised the so-called historical-liturgical method of instruction. In twenty-two years he had received and trained to virtue and piety three thousand six hundred and nineteen children. Several other establishments, similar in their plans and management to those of Reinthaler, were instituted in different parts of Germany.

The very extensive work of child-saving by the Counts Adalbert von Werner and Van der Recke was commenced in Düsseldorf about the same time as that of Falk. The father of the two counts had as early as 1789, established a normal school for teachers of the children of the poorer classes. The Rettinghaus proper (child-saving house) was opened October 4, 1819, with four children. The means came from all parts of Germany. All classes contributed their offerings. Gold rings and other jewels were cheerfully given for the institution at Düsseldorf. The success was astonishing. In forty-eight years two thousand five hundred and eighty-one children have been discharged, after receiving an education which has been the means of their salvation. The institution possesses four hundred and ninety-three acres of land. Agriculture and trades are taught. The establishment has a large staff of officers and foremen as superintendents. Three hundred and fifty children and youths are supported in the institution, including the normal school and the institution of "Brothers" connected with the same since 1848.

Beuggen, near Basle, on the southern boundary of the Grand Duchy of Baden is among the most important child-saving institutions of Germany. Established in 1816, it was the first of its kind in Southern Germany. It has a most interesting history. On the spot where Beuggen now stands, St. Fridolin, the Irish monk, first planted his flag emblazoned with the cross, in the purpose to preach Christ crucified to the heathen Allemanns. This establishment, though having in general only from eighty to ninety inmates, has attracted special interest and importance on account of its normal school in which "poor school-teachers for the poor" are educated, whose self-denying labors in almost all parts of the world, but always among the poor, will only be known when all secrets are revealed. Among the heathen in Patagonia, among the poor German emigrants in Southern Russia, in Siberia, in the vast deserts of Central Australia, may be found the "poor school-teachers for the poor," who have been educated by the venerable father Christian Henry Zeller, who died in 1860 at the age of eighty years. It has been the happy fortune of the writer to sit at the feet of this venerable man, and to listen to the excellent instruction imparted by him to the young men and children under his care. Zeller took charge of Beuggen in 1820, and remained at his post for forty consecutive years. His work, entitled "Teachings of Experience for Schoolmasters in the Country and among the Poor," in three volumes, deserves to be translated into all languages for the simple, popular, sensible, and thorough-going instruction contained in it. Zeller's son-in-law, Herr Völter, author of the work on the child-saving institutions of Würtemberg, was director of the institution at Lichtenstern, which also has a normal school for teachers similar to the Beuggen school.

In this connection we may mention the labors of Gustavus Werner, the travelling preacher. His work, "Industrial Associations for the Amelioration of the Condition of the Poor," is worthy of the attention of every Christian philanthropist. He is the founder of ten different institutions, which possess together three hundred and twenty-three acres of land and many industrial establishments. In these separate establishments the laborers form one family under a very perfect social arrangement, granting liberty of action to each individual. About eight hundred adults and four hundred children are cared for, and more than seven hundred have already left their home. The agricultural schools of Würtemberg begin their work after that of the public and private child-saving institutions is done. They take twelve to fifteen of these boys and put them either on some farm belonging to the Government, or into the family of an experienced Christian farmer. The latter has the control of the boys and the benefit of their work, but must clothe and board them. They have regular instruction and every chance to become good farmers. Ludovicus Völter, in his work mentioned above, has given a detailed report of all the child-saving institutions in Würtemberg down to 1845. The central committee of the charitable institutions in that country, similar to our State Board of Charities, reports thirty-two of these institutions (twenty-three Protestant, five Catholic, and one Jewish). They supported in 1867 twelve hundred and sixty-nine inmates. The total number of children who have passed through these institutions in Würtemberg since 1820 is about twelve thousand. Besides these regular institutions, there is a number of societies in Würtemberg which seek to find places in families for this class of children. In no other German State has child-saving work accomplished so much as in the little Kingdom of Würtemberg. The same authority reports the following institutions of a preventive character: one hundred and eighty infant asylums with 10,000 children; fourteen hundred industrial schools with 65,000 children; eleven societies for the care of vagrants; one institution for juvenile delinquents; five deaf and dumb asylums; two for idiots; two asylums for the blind; five hospitals for children; one institution for epileptics; one deaconess institution; one training school for servant girls; one association for the protection of discharged prisoners; one training school for female teachers in infant schools. We must not pass by the excellent work done in Bavaria by Charles von Raumer, who gave the first impulse to the establishment of an institution in 1825, such as we have been describing. The establishment of another similar home at the Neuhoft, near Strasburg, Alsace, by the pious carpenter Phil. Iae. Wurtz in 1825, will forever remain an inspiring example of Christian faith.

Here would be the place to enter upon the interesting history,



the internal arrangements, the progress and the remarkable success of the most renowned child-saving institution of Germany, the Rauhe Haus near Hamburg, and its institution of "Brothers;" but the great number of excellent publications on this subject have induced the writer to be silent here.

So far as the authorities in his possession enable the writer to determine, there is to-day a total of about three hundred and sixty child-saving institutions of all the different classes in the several States composing the German Empire. More than three hundred of these have been established since 1848. This rapid increase is due to the memorable events of that year, which opened the eyes of both Christians and patriots to the perils of communism, which threatened to destroy all social ties. But this noble work has not yet reached its terminus. There are still many localities where such institutions are a necessity, but are not yet found. In some of these work is either already begun or is in active preparation. On this account it is important not only for Germany, but for other parts of the Christian world, that the leading principles of the work should be fully understood.

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#### CHAPTER XXXVII.—LEADING PRINCIPLES.—CONDITIONS OF SUCCESS.—CONGREGATE AND FAMILY SYSTEMS.

**S**PEAKING of the inmates and their classification as to religious confession, sex, age, and social surroundings before they are received into the institutions under consideration; it is important to know that such institutions ought to be free from all obstacles which might be detrimental to their normal development. We find in Germany hardly an institution in which Protestant and Catholic children are mixed; in one or two cases this was tried, but soon discontinued.

It is clear that child-saving institutions for both sexes ought to be established, though the question whether the two sexes should be brought together under one management has its *pros* and *cons*. Where the local arrangements in reference to separate houses can be effected in such a manner that the necessary supervision is ample and complete, the answer should be in favor of combination under one management; where this cannot be done, it should be in the negative. The number of girls is always smaller than that of boys; but quality takes the place of numbers in this case. The morally-fallen girl reaches a lower plane than the boy under the same general conditions.

The average age for the reception of the inmates is from eleven

to twelve years ; but the younger will be below while the older are above this average. They are generally kept from three to four and even five years. The general disposition is to discharge them between the ages of seventeen and eighteen years.

The social condition of the inmates prior to their entrance deserves consideration. It is a deplorable fact that the well-to-do people and the rich furnish a large contingent of the inmates of these institutions, though it will always remain true what Herr Völter says : " At the foot of the tropical mountain regions we find, as a rule, that the waters coming down from the mountains form a swamp in which not only the wild beasts and the poisonous reptiles find a refuge, but where also dangerous miasms and malignant fevers prevail. A swamp-region, similar to this, we find, as proved by history, in all civilized nations and in the lower strata of society. The inhabitants of that region, who live at the boundary of civilization, where Christianity and heathenism can hardly be distinguished from each other, share the fate of all that live on a boundary line, — they do not acquire or unite within themselves the advantages, but the disadvantages, the vices, of the two provinces."

As the German child-saving institutions are not intended to be hospitals, they refuse to receive sick children, idiots, epileptics, or imbeciles ; and, as already stated, they are careful not to enter into such arrangements with the State Governments by which they would be compelled to receive children on whom the courts have passed sentence, and by which arrangements they would lose their character as private homes, and would become houses of correction. Institutions which are intended for girls have also to guard against the reception of fallen females, for whom other institutions are provided.

The following extract from the tenth annual report of the Rauhe Haus will show the kind of children for whom application is generally made. Dr. Wichern instances twenty-five such applications, of which two must suffice here :—

" 1. A girl aged fourteen years. According to the statement of the mother, who is anxious that the child should be received, ' a very good child,' only that ' she steals to such a degree that nothing is safe within her reach,' — at home, in school, with the neighbors, or grocers. The mother further states, that, ' with the exception of this great misfortune, the child is very good, only that she lies in the same degree that she steals.' You may die in asking her, but you will not get at the truth. She has passed through all kinds of punishments. Mother, teachers, ministers, have tried every thing with her, but in vain. Mother was never married. Her illegitimate husband ran away on account of the child.

" 2. A boy, aged nine years. Illegitimate child. Lies, steals, leads the life of a vagabond, uses blasphemous language against his father, reveals the crimes of the latter, and adds stories of new ones which are not true.

He is initiated into the most shameful secrets, scratching, biting, swearing ; no child, but an old man in sins ; has been discharged from school.'

We have known boys of twelve to fourteen years of age, one of whom was convicted ninety times by the magistrate for all kinds of transgressions ; another had kept a whole village of a rural district in great excitement because he threatened to set fire to their houses and barns ; a third was a girl of eleven years, who actually did set fire to the houses of three successive mistresses because she did not like to have fault found with her work. All of them were the inmates of institutions founded with a view to saving just such children.

This may suffice to show that the German child-saving houses have to do with youths of the most dangerous classes of society, as well as with the offspring of the higher classes who have become dangerous by various reasons and surroundings, for which the higher position of their parents cannot be held responsible.

This would be the place to consider the oft-repeated and variously-answered, but very important question, whether the child-saving institution or the family proper is the more propitious place for the reception of such children.

It is not our province, within the narrow limits to which we are necessarily confined, to attempt a satisfactory treatment of this question. Though there are hundreds of institutions proving by their very existence that an equivalent for them has not been found, at least not to a sufficient extent, yet the answer to that question with a great many is decidedly in favor of the family proper over and against all institutions. In reference to children whose misfortune consists simply in their poverty or orphanage, or who have remained morally intact, this view is fully justified. But this is not the class of children of which we are speaking. Where, we ask, are the families who are willing and qualified in every respect to open their hearts and homes for the reception of morally dangerous, vicious, and depraved children ? To answer this question, we may be permitted to quote the words of Dr. Wichern, who is certainly one of the most competent judges in this matter.

He says : " We must exclude all those families who might be ready to undertake this work simply for the sake of making money, or who bid lowest at the so-called auction of children ; also all those in whose midst the life of Christ is unknown. Thus we would have to confine ourselves to a very small number of truly pious Christian families. This number would considerably decrease if we take it for granted, as we are compelled to do, that not all of these families would be willing or could be expected to open their homes for the reception of strange children, nor would all of them be qualified pedagogically to undertake such work.



But suppose we could find such families, then the question arises whether they would be qualified by their peculiar social positions, or by the character of their own children, or by not having children of their own. The children of whom we are treating here have in a measure lost their own family homes,—they are given up by their parents; teachers, neighbors, ministers, and magistrates are despairing as to what should be done with them. What family, accidentally found, would be equal to the problem of adopting a thievish, unchaste, vicious, stubborn, lying boy or girl, and to grant them that full share of confidence and love of which such children are in need?"

We will pause here, though Dr. Wichern goes on to point out the dangers to which the children belonging to such family would be exposed. Taking it for granted that one such family could be found, which in spite of the difficulties and dangers pointed out would actually try the experiment for once, would that family try it the second time? But hundreds, nay, even thousands of such families would be constantly required for the reception of all these candidates for the child-saving houses. For these reasons it is clear that institutional arrangements have to be made which will so far as possible approach the idea of a Christian home, having all needful qualifications for the work. It is impossible to describe these qualifications in detail in connection with this general outline of German child-saving institutions. From what has been said, no one will doubt that our houses of correction and our reform schools, with their solitary confinement for the inmates, are disqualified to perform the work which is required here.

We know full well that most if not all of our reformatories originated in true Christian sympathy for the unfortunate youth of our cities and the country at large. Nor can it be denied that in all of them are found officers of true Christian devotion to their work; yet these reformatories are not families. The spirit that should be felt by the child on entering the child-saving institution must be stronger than all partition walls,—stronger than the law of perfect silence, stronger than bolts and locks, stronger than hard labor, great severity, instructions, fines, punishments, and rigorous supervision by the officers. The spirit of Christ alone and his Holy Word are and ought to be the soul and centre not only in all normal Christian families, but in all such institutions which have child-saving work for their object. This spirit ought to manifest itself in every thing that concerns the temporal or spiritual welfare of the child.

The comparative value of the congregated or the family system of education in these institutions ought to be considered in this connection; but first of all the *family system*, as understood and carried out at the Rauhe-Haus and hundreds of other institutions, should be fully explained. This may seem strange to

many who have probably given a great deal of attention to these two systems in reference to reformatory institutions in this country. Much as has been said in favor of either system, the author is sure that much more might be said in favor of the family system, which has hardly received a passing notice by some of the writers on this subject. In a certain sense the family system has been tried in several instances in this country, for instance at the Ohio State reform-farm in a most extensive manner; yet the absence of a true family life in that institution as a whole, and in each separate building, has been felt by the noble gentlemen who have been connected with the management of the same from its beginning. Space does not permit me to enter into details of what is meant by the family life of such institutions, but a few of the most necessary conditions must receive some attention in this paper on the child-saving institutions of Germany, in order that they may be better understood by true friends of the child-saving work.

The locality of these institutions is of the first importance. They ought not to be located either in or too near great cities, or even in villages or towns. In Germany there are many instances where large castles or public buildings have been generously donated to the societies intending to establish child-saving institutions. This was the case in Beuggen, in Hesse-Darmstadt, and some other places. Wherever it was practicable, larger or smaller tracts of land were acquired in order to give useful employment to the children in the garden and on the farm.

For the erection of proper buildings no definite plan can be laid down, though it is absolutely necessary to use particular care in the internal arrangements. The location of a door, a staircase, or the kitchen may be of no little importance for the better supervision of the inmates and for other purposes. On the whole, the German child-saving homes show in the simplicity of their buildings, where these have not been in existence before, that they wish to impress their inmates with the idea of modesty and frugality so far as outward appearance is concerned. There is no instance to be found where large and expensive palaces have been built for the reception of those unfortunate children.

One of the fundamental conditions of success in this work is not the abundance of means to carry out the plans, but above all the person or persons who have it in charge.

The original founders of many of the German homes have also taken the important position of heads of these establishments. They have cheerfully made it the calling of their life, and have given up all other prospects to devote time, talent, thought, and strength to this sacred cause. John Falk, Count Van der Recke, Christian Henry Zeller, Charles Reinthaler, and John Henry Wichern stand foremost in this noble band. Henry Pestalozzi and

Fellenberg, though inspired by different motives, belong to the same class of men in Switzerland; as do M. Demetz in France, Mr. Swimgar in Holland, and Mary Carpenter in England.

The order of the house is another of the prime principles on which the child-saving institution must take a firm position from the beginning. We do not mean by this any mere set of rules and regulations, but rather the spirit which ought to pervade the whole institution in all the details of its daily life. The house-father and his wife must be the living order of such an institution. The day begins and ends with the teachings of the Word of God; the supervision of the individuals, the meals, instruction, recreation, and work, the care of the sick, — in fact, each and all of the daily occurrences must be sanctified by that truly Christian spirit which ought to inspire all those to whom a share, be it ever so humble, is allotted in this great work of reformation.

The industrial labor performed in the various homes of Germany is nowhere used as a means to make money or to turn the institution into a great manufactory, thus degrading the family of the institution again to the position of those families who furnish a very large contingent of their inmates. All mechanical work, which in itself does not convey any stimulus or inspiration to the laborer is detrimental to his spiritual development, and ought to be, as it is in Germany, excluded from all institutions of this kind. The various requirements of a well-conducted household give sufficient employment to a great many young hands, especially if field, and garden, and stable are not wanting in such an institution.

The regular instruction in the school of the German child-saving institutions consists, first of all, in a thorough religious training in the catechism and in Bible history, besides the common branches of education. In the smaller institutions the house-father is the main teacher; in larger ones regular schoolmasters with their assistants are employed. One of the most important means of education is music. Dr. Wichern of the Rauhe Haus, when once asked by what means he was able to produce such wonderful changes in the conduct of the children under his care, said, "By the Word of God and music." Sacred music and hymns, but also the best popular songs of the fatherland, so rich in sweet melodies and inspiring tunes, are taught in those homes of the depraved, and are heard in the workshops, the field, and the garden. In some institutions where there are inmates who have had the advantage of a classical education, arrangements are made for continuing their education. At the Rauhe Haus, for instance, we find a large class of youths in the so-called "Pensionate," where they receive the same education as in the best German gymnasia.

Those who are acquainted with the national characteristics



of the Germans will easily understand that in their child-saving institutions not every thing is work and instruction. The families in these institutions, as well as any other German family, want their recreations, festivals, and plays. In most of these homes the birthday of each individual, from the house-father to the smallest or youngest inmate, is remembered; and something of such remembrance is visible. At the playground, whether indoors or outside, the child generally appears in its true nature. While children are usually fond of play, especially the little girl with her doll, with which she lives the life of a mother, even in a German reformatory, — that life with all its joys and pleasures, and cares and sad events, — there are some children who must be *taught* to play, because they actually do not wish to be so engaged. Dr. Wichern pronounces that man who cannot play and enter into the plays of childhood with his whole heart as unfit to be an assistant in a child-saving institution. In some of these establishments we find regular instruction in gymnastics, military drill, swimming, etc. Wherever it is practicable, each child has its own flower-bed, with its deep roots of childlike happiness!

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CHAPTER XXXVIII.—DISCIPLINE.—RELIGIOUS EDUCATION.  
—DISCHARGE.

CONCERNING discipline and punishment, we find that in most cases this paternal right is placed where it belongs, — in the hands of the house-father or superintendent. There are some institutions where the managing committee have assumed the right to pronounce the punishments, and to direct some person in the household to carry out their resolution. If we consider the institution as a family, we must not forget that the right to punish belongs to the father of the family, and cannot be conveyed without conditions to an assistant. For all minor offences the latter, as the representative of the house-father, uses the right of punishment only so far as it has been delegated to him. Corporal punishment, deprivation of meals or parts of meals, the house-father alone can inflict. All kinds of punishments customary in the houses of correction or in the prisons must be and are excluded from the German child-saving establishments.

The religious training of the children holds the foremost place in their education. The Holy Word of God, being the most powerful means in the correction of the depraved human heart, is brought near to the inmates in the most direct way. The

morning and evening family worship and prayer at the table are customary in all these institutions. Sunday is of course the day on which the whole family attends public worship, together with the congregation of the village or town near which the home is situated. The denominational character of the institution depends upon the denomination to which the director, the board of managers, etc. belong. They are either Lutheran, Reformed, Unionistic, or Catholic. It is hardly necessary to state that the religious festivals of the church-year are celebrated faithfully and regularly in these homes. Christmas, Easter, Pentecost, etc. are never forgotten, and have their particular festive character.

With all the religious agencies mentioned above, we must not forget that these institutions are carefully guarded against a sickly, mechanical, external show of piety. As the kingdom of God does not come by observation, so the regeneration of the individual is only caused by the pure, sound doctrine of the Word of God and the influence of the Holy Spirit.

The discharge of the inmates from the German child-saving institutions meets with the same difficulties as are found everywhere. In or near the larger cities or towns boys are placed as apprentices with some mechanic. The masters, however, are more and more unwilling to take the apprentices into their own families, except for selfish purposes. The boys are thrown into the cheap boarding-houses, with their bad influences. In institutions located in the country many discharge their male inmates to the farmers of the neighborhood, and these are generally happily placed. The girls readily find places as servants, and are much easier controlled after their discharge than the boys, though great care is taken to keep an eye on both. In such cases where the parents are yet living, and capable to take care of the future of their sons and daughters, the institution will give them up to their natural parents; but in doing so many other difficulties have to be encountered, as very often the parents by their influence will destroy what has been done in the home.

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#### CHAPTER XXXIX. — RESULTS.

**I**F the question arises, What are the results of the education in the German child-saving establishments? only a very general and therefore not very satisfactory answer can be given, though on the whole the results themselves, as will be acknowledged by all who have any knowledge of the facts in the case, are satisfactory under all circumstances. In order to answer the question

to the satisfaction of all inquirers, hundreds of circumstances would have to be taken into the account; and yet even if this could be done, the absolutely true result of that kind of education will remain hidden to all human eyes.

If we speak of the results in child-saving institutions, and employ figures only, we may get at the exact quantity, but we have no certainty of the quality, which cannot be measured by human instruments. Some figures may suffice for our present purpose.

Seventy-nine institutions, of which Dr. Wichern speaks in the article repeatedly referred to, received up to November, 1867, 10,527 inmates, of whom 7,223 had been discharged. After the closest searches and calculations, it was ascertained that of those discharged 4.7 per cent, or 339, had relapsed, and entered upon a criminal course of life. Humanly speaking, we must say that every one of the 7,223 children was on the road to be placed before a criminal court, if the helping hand of the home had not been extended. This will throw some light upon the results of child-saving institutions.

There is much encouragement here to self-devotion and self-sacrifice. Let us arise and gird to the work! Our whole duty towards the destitute, neglected, and vicious children in our midst cannot be regarded as fulfilled until the intellectual and moral wants of ALL are met, according to their several necessities, and in imitation of the example of Him who came to seek and to save the lost!





## APPENDIX.

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### A PLAN FOR GIVING BREADTH, STABILITY, AND PERMANENCE TO THE WORK OF CRIME-PREVENTION AND CRIME-RE- PRESSION.

IN the year 1875 the author of the foregoing work addressed a communication to a few gentlemen interested in the question of Prison Reform, in which he suggested the creation of some sort of Academy or Institute having in view the object named in the caption to this Appendix, and requested their opinion as to the policy and probable usefulness of such an institution. The plan contemplated the establishment of a great Journal to be published in the four most widely spoken languages of the earth,—the English, the French, the German, the Spanish,—to be conducted by a staff of five editors, the editor-in-chief to have his office in London, and to be master of all four languages; the four assistant editors to reside severally in North America, South America or Mexico, France, and Germany; and all five to serve in the capacity of lecturers in the countries where they have their several residences,—“travelling luminaries,” as Dr. Woolsey has expressed it, “giving courses here and there, now in one part of the country, now in another; lecturing perhaps to legislatures or to law schools,” and, I will add, also to the students of the larger colleges, and even to popular assemblies.

The reception given to the suggestion by the gentlemen addressed will appear from their responses, printed *in extenso* as follows:—

*Letter from THEODORE WOOLSEY, D.D., LL.D., Ex-President of Yale College, and now Professor of International Law in the same.*

NEW HAVEN, April 16, 1875.

MY DEAR DR. WINES,—I received a letter from you, dated April 7, some days after it was written, and I now sit down to send a brief reply. You will remember speaking to me confidentially on this matter in your brief interview the day when I went to New York, the Monday after your address here, March 30. I have thought over the subject again, and beg leave to suggest the following thoughts:—

1. It would be of great use to have some one or more devoted professionally to the subject of pœnology, and able to give courses here and there over the country, as should be thought fit. They could be travelling luminaries, now in one part of the Union, now in another, lecturing perhaps to legislatures or to law schools, and aiding in the general work also in which you are now the main spoke of the wheel.

2. But I beg leave to add, that in my judgment such a professor ought not to be confined to pœnology in the strict sense, but to have criminal law and punishment as his province. There is danger, if a person devotes himself exclusively to prisons and punishment, that humanity and regard for the prisoner should occupy a chief place. There is danger, on the other hand, if criminal law is separated from the practical subject of modes of punishment, degrees, etc., that justice and the interests of the community should occupy his mind. "Omne tuit punctum," who has both within his view. Then he would be able to correct criminal law by a right theory of, and by right practical rules concerning, penalty, and to correct penalty by a right theory of criminal law.

I am, dear Sir, respectfully yours,

THEODORE D. WOOLSEY.

*Letter from HON. THEODORE W. DWIGHT, LL.D., President of the Columbia-College Law School, and President of the Prison Association of New York.*

8 GREAT JONES STREET,  
NEW YORK, May 3, 1875.

MY DEAR SIR,—I have given such reflection as the great pressure upon my time at this season of the year would permit to your suggestions addressed to me on the 7th ult., as to the propriety of an attempt to establish professorships of pœnology both in Europe and America.

I am quite clear that the time has arrived when a plan such as is briefly sketched to me should be inaugurated. If the professorships were well endowed and manned, an extraordinary impulse would be given to the study of prison discipline in all its branches, the interest of the community would be quickened in a subject which now receives but languid attention, and the interests of society would, in my judgment, be greatly promoted. Of course, much would depend upon the mode of selection of the professors, and upon the nature and amount of work assigned to them. If a proper organization should be worked out, I believe that both philanthropists and statesmen would have good reason to rejoice at the results achieved.

I heartily approve of the general outlines of the scheme which you have submitted to me.

With sincere regard, yours very truly,

THEODORE W. DWIGHT.

REV. DR. E. C. WINES.



*Letter from FRANCIS WAYLAND, LL.D., President of the Yale-College Law School, and of the Board of Managers of the State Prison of Connecticut.*

YALE COLLEGE, LAW DEPARTMENT,  
NEW HAVEN, CONN., April 14, 1875.

REV. E. C. WINES, LL.D.:

DEAR SIR, — The project unfolded in your communication of April 7 seems to me highly useful, and entirely feasible.

The lamentable indifference of the public mind as to all questions of prison reform results, I am convinced, mainly from ignorance. Any scheme which aims to disseminate information on this subject, from sources entitled to command confidence, cannot fail to be productive of great good.

The plan which you propose, combining instruction from competent professors, and "the best thought of the world upon this question," contained in the pages of "an international organ of penitentiary science," is, in my opinion, the best means yet devised for the attainment of the benevolent object to which you have devoted your life.

Very respectfully yours,

FRANCIS WAYLAND.

*Letter from the REV. W. G. ELIOT, D.D., LL.D., Chancellor of Washington University, St. Louis, Missouri.*

WASHINGTON UNIVERSITY,  
ST. LOUIS, April 29, 1875.

MY DEAR SIR, — I think your suggestion good and eminently practical. The only Eutopia element is the money part; and if you already find *one* great-hearted man to endow one Professorship (of Penal Jurisprudence?), others will appear. I should advise the prompt and unconditional endowment of one man, say for North America, and let him go to work at once. If the right worker is found, the demonstration of useful results would insure the others. Faith and work beget faith and workers. Such an enterprise cannot be supported by general subscription; it must be from a few individuals who work in the "great Task-master's eye," and for the work's sake.

Yours very truly,

W. G. ELIOT.

REV. DR. WINES.

P.S. If your friend could endow *two* such workers (God bless him even for having such a thought!), wherever placed, the good results would soon come out. The publication should not be in too heavy shape, and ought not to be very expensive. In ten years we should see the beginning of extensive reform.

No man could consecrate his wealth to a nobler effort. It would be better than the endowment of a college, and would not cost one-fourth as much. There is an originality in such an enterprise, indicative of large thought, and of a kind of faith in the possibilities of humanity by no means common.

*Letter from the* REV. HOWARD CROSBY, D.D., LL.D., *Chancellor of the University of New York, and President of the New York Society for the Prevention of Crime.*

306 SECOND AVENUE, April 10, 1875.

MY DEAR DR. WINES, — Your plan, so far as engaging the four most extended languages of the civilized world in the work of spreading truth on the important subject of pœnology, commands my hearty *Amen!* But I cannot believe that four editors at different corners of the earth will be able to constitute one editorial staff.

I should rather propose to make the four professors *contributors* (by contract, quarterly,) to a Review published in London or Paris or Berlin, or in all three simultaneously, under a single editorship.

If the money can be obtained, it will be a grand move in the right direction.

Yours ever truly,

HOWARD CROSBY.

*Letter from the late* WILLIAM CULLEN BRYANT, ESQ., *Editor of the "New York Evening Post."*

NEW YORK, May 3, 1875.

DEAR SIR, — I *did* receive a note from you stating your plan for aiding in the prevention of crime, and answered it soon afterwards. Your note was dated "Broadway," without any number, and I therefore addressed my answer to "New York."

In answering, I said that you, with your experience and knowledge of the subject, must be a much better judge of the probable usefulness of your plan than I can be; but that if the expenses attending it were sure to be defrayed, I thought well of it; and that I am confident that the observations and researches of enlightened men, stationed in different countries, in regard to the subject of crimes and punishments, when brought together and compared, could not fail of leading to valuable results. Another consideration now occurs to me, — namely, that your plan would keep the subject continually before the reading world, and make it matter of more frequent reflection than it now is.

I am, Sir, faithfully yours,

W. C. BRYANT.

REV. DR. E. C. WINES, Irvington-on-Hudson.

*Letter from* BARON FRANZ VON HOLTZENDORFF, *Professor of International and Criminal Law in the Royal University, Munich, Bavaria.*

MUNICH, 24th November, 1878.

MY DEAR DR. WINES, — Considering again your idea to found an international academy for the study of prison discipline and prison reform, I am struck with the greatness of your scheme, and the difficulty you will

have to meet in carrying it out. It is a truly *American* conception,—no European Government would venture to give it a fair support. Is there among your countrymen any individual noble enough to appropriate a considerable sum to the object you have in view? If so, his name would belong to the Pantheon of humanity. Your country is just now celebrating the centenarian glory of her Independence. The memory of that time could in no better way become sanctified than by setting an example of how you are anxious to keep your position in prison reform.

Is it not strange that the first impulse towards political freedom has been associated by Americans with the first serious trial in prison reform, belonging to Pennsylvania? Before the war of Independence, the prison might have been said to be the final destiny of all the antagonists opposing tyrants. The modern idea is, Liberty even for the prisoners! Such are the ways of Providence: first, in the beginning of mankind the prison allotted to the martyrs of liberty; and now liberty as the end of prison reform! All countries have received their particular task in the common work of human civilization. *Your* country should remain the foremost in the continuance of her glory won in the practical inauguration of prison reform. The foundation of such an academy as you are undertaking to call into life would form a wonderful machinery in promoting steady progress.

I need not say how deeply European statesmen and politicians would be interested in the final triumph of your efforts.

Believe me, my dear Dr. Wines, very faithfully yours,

FR. VON HOLTZENDORFF.

The object of bringing this subject and these letters to the notice of the public will perhaps be readily divined. In the course of the year in which the correspondence occurred, the author had sounded a wealthy American resident abroad, with a view to awaken his interest in the project to such a degree as to secure from him a donation sufficient to serve as a permanent endowment of the proposed Institute. After holding the matter under consideration for two or three years, he finally decided against it. I therefore now cast this "bread upon the waters," in the confident expectation that it will be "found again after many days." I am not, indeed, without the hope that I may be permitted to greet its reappearance in my own day; but if not, I shall pass away from these earthly scenes in the assured belief that it will reappear in God's own time, and be a seed of "healing to the nations." I am the more confirmed and confident in this hope from the fact that a sufficient number of Governments have given their adhesion to the work of International Prison Reform in its organized shape to assure not only its permanence, but its increasing success. Some generous soul will one day *DESIRE* to serve God and humanity by consecrating his wealth to so holy a cause,—a cause which treads so closely in the footprints of the Master, whose mission and whose joy it was to *SEEK* and to *SAVE* the lost. The disciple who desires to get



nearest to his Lord by doing good on the broadest and most comprehensive scale can hardly hope for a better opportunity ; and if a lower, but still neither an improper nor unworthy, motive may be appealed to, it may be said, that, in return for a benefaction to humanity such as that here suggested, generations yet unborn will "rise up and call him blessed." His name will be inscribed high on the roll of Fame as the deliverer of those who "were ready to perish," and as the world's benefactor to "the latest syllable of recorded time."

I N D E X.





# INDEX.

- ABERDEENSHIRE**, extinction of Juvenile Crime, 224.  
**Abuses of Prisoners**, 1, 6, 8, 22, 241, 242, 371, 584.  
**Accessibility to family friends**, 336, 638.  
     Voluntary Workers, 16, 54, 536.  
**Acquittal of Young Offenders**, 63, 350, 679.  
**Administration of Prison System**, 95, 105, 604, 617.  
     Central Authority, 217, 227, 606.  
     Institutional, 334, 623.  
**Adult and Juvenile Criminals**, 626, 695.  
**Admonition, in discipline**, 62.  
**Adult Reformatory *versus* Prison**, 96, 120, 613.  
     Maconochie's System, 33.  
**Africa**, Spanish Prisons, 367, 377.  
     Liberia, xx., 575.  
     Morocco, xx., 578.  
     Cape of Good Hope, 283.  
**African Race**, Criminals of, 95.  
**Agencies of Crime-Repression**, 606, 609, 616.  
     Desire, Hope, Faith, Work, 617.  
**Age of Criminals**, 113, 626.  
     Reformatories, 694.  
     Preventive Institutions, 694.  
     Proportion of Juveniles, 113, 626.  
**Agricultural Work**, 485, 627. [485.  
**Agricultural Penitentiary Colonies**, 81, 166, 342, 471,  
     Intermediate Prisons, 485. [121, 418.  
**Aid and Sympathy to discharged Prisoners**, 12, 56,  
     State aid to Patronage Societies, 678.  
**Aim and End of Punishment**, 29, 38, 49, 54, 613, 619.  
**Alabama**, Prison System, 197.  
     Lease System of Labor, 198.  
**Alcoholic liquors, excessive use**, 113.  
     Connection with crime, 152.  
**Alms to Prisoners**, 477.  
**America, Canada, and British Possessions**, 248.  
     United States, viii., 87-214.  
     Mexico and Central America, xvii., 533-568.  
     South America, 547.  
**American Female Guardian Society**, 127.  
**American Propositions in Prison Reform**, 49.  
     Modifications in London Congress, 54.  
**Amsterdam Cellular Prison**, 398.  
**Amusements for Prisoners**, 238, 398, 422.  
**Ancient Nations, Prisons, and Punishment**, 1.  
**Andaman Islands, Convict Colony**, 327.  
**Anomalies, Moral, in Criminal Acts**, 644.  
**Antigua, Prisons**, 273. [607.  
**Apprenticeship, and Apprentice Schools**, 341, 429,  
     Associated and State Corporation, 608.  
**Architecture of Prisons**, 19, 54, 103, 346.  
     Reformatories, 697.  
**Arenal, Dofia, Penal System of Spain**, 365.  
     Studies in Penitentiary Science, 661.  
**Argentine Republic, Prison System**, 565.  
**Argemol, Señor, Prison Society in Spain**, 382.  
**Arnheim Model Reformatory**, 400.  
**Assistant-warders, of Prisoners**, 325.  
**Assimilation of Penalties**, 663.  
**Association, of old and young criminals**, 80, 113, 348.  
     Men and Women Prisoners, 18, 24, 348, 349.  
     Criminals of different degrees, 19, 346.  
     Criminals generally for any purpose, 158, 346, 457-  
         Labor, 104, 457.  
         Common life under conditions, 107, 361.  
**Associations for Preventive Work**, 683.  
**Associations for Prison Work**, 18, 23.  
     Municipal and Local, 19.  
     State or Nation, 17, 19, 23, 36.  
     International, 42.  
**Athens and Sparta, Prisons**, 3, 4.  
**Auburn, Prison System**, 25, 27, 103.  
     Silent and Solitary at night and in cell, 27, 91.  
     Silent and Congregate in labor, 27.  
     Association and Reformation, 104.  
     Struggle with friends of Pennsylvania System, 25.  
**Auction of Prison Labor**, 412.  
     Disposal of Destitute Children to lowest bidder, 695.  
**Audacity not Courage**, 647.  
**Australia, Prison Systems**, 304, 312.  
     Crofton or Irish System, 304.  
**Austria, Prison System**, xiv., 14, 447.  
     Hungary and Croatia, Progressive System, 455.  
**BADEN, Grand Duchy, Prison System**, 416.  
     Cellular System, with exceptional cases, 418.  
     Schools and Library, books preferred, 417.  
**Bagnios or Gallies**, 332, 334.  
**Bahamas, Prison System**, 267.  
**Baltimore, Preventive and Reformatory Work**, 212.  
**Baker, Barwick, Gloucester Prison**, 29.  
**Barbadoes, Prison System**, 267.  
**Barnard, H., Preventive and Reformatory Institu-  
     tions**, 688.  
**Bastinado and the Lash**, 99, 376, 583.  
**Bath, warm**, 440.  
**Bathing entire person**, 429.  
**Bavaria, Prison System**, 32, 419.  
**Beccaria, Crimes and their Punishments**, 3, 9, 651.  
**Belgium, Prison System**, xii., 10, 42, 352.  
     Cellular System, Ghent, Louvain, 42.  
     Peculium, Pistole usage, 354.  
     Moral Lectures, Religion, 356.  
     Reformatory and Preventive Work, 363.  
**Beltrani-Scalia, Cruelties to Prisoners**, 3.  
     Training of Prison Officers, 246, 485.  
**Benefactions and Bequests**, 473.  
     Reformatory and Preventive Work, 527, 528.  
**Bengal, Jail Code**, 316.  
**Bentham, Jeremy, Panopticon**, 16.  
**Berden, M., Industrial Labor**, 357.  
**Bermuda, Prisons**, 255.  
**Benggen, Child-saving Institution** 1816, 691.  
**Bible, in Prisons and Reformatories**, 101, 693.  
**Bible-class, Kansas Prison**, 181.  
**Biblical Doctrine of the Fall of Man**, 655.  
**Biography of Criminals, Registered**, 360, 633.

- Blackstone, W., Commentaries, 1765, 9.  
 Boards of Prison Supervisors, 175.  
   Prison Inspectors, 28.  
 Boards of State Charities, 95, 174.  
 Boarding-out Pauper Children, 235.  
 Bogota. Panopticon Prison, 34, 548.  
 Book of Character, Petersen, 516.  
 Book of the Law, Hebrews, 67.  
 Books for Prisoners, 417.  
 Borel, M., Bequest to Neuchatel, 527.  
 Boston, Prisons and Prison Reform, 19, 23.  
   House of Reformation, 80.  
   Farm-School, and other Preventives, 80.  
 Botany Bay, and Convict Settlement, 15, 30.  
 Boundary region in social life, 694.  
 Brace, Charles Loring, Labors for Children, 127.  
 Brain, Modes of Activity, Diseased, 649.  
   Organ of the Soul-faculties, 648.  
 Bremen, Prison System, 534.  
 Branding, Cropping, Whipping, 22, 23.  
 Bray, Thomas, Newgate in 1699, 6.  
 Brazil, Prison System, xviii, 552.  
 Brenton, E. P., Children's Friends' Society, 1830, 78.  
 British Colonial Possessions, xi, 248.  
 British Columbia, Prisons, 255.  
 British Guiana, Prisons, 278.  
 British Honduras, Prison, 274.  
 British Indian Empire, xi, 314.  
 Brockway, Z. R., Detroit House of Refuge, 89.  
   Reformatory at Elmira, 96, 102.  
 Brothers, in German Reformatory Work, 415, 619.  
 Bruchsal Prison, 418.  
 Brunn, F., Director-general of Prisons, 491.  
 Brunswick, Duchy, Prison System, 430.  
 Brussels, International Prison Congress, 44.  
 Bryant, W. C., Prison Reform Institute, 706.  
 Buenos Ayres, Penitentiary System, 567.  
 Burglary, as a recognized industry, 659.  
 Burlington, Home for Destitute Children, 149.  
 Buxton, T. F., Inquiry into Prison Discipline, 18.  
 CAGE and Sedan Chair, for moving criminals, 591.  
 California, Prison System, 184.  
   Advanced position of Constitution of 1879, 184.  
   State contributions to Orphan Asylums, 186.  
 Canada, Prisons and Reformatories, 248.  
   Ontario Province, 250.  
 Cape of Good Hope, Convict Stations, 283.  
 Capitalists in Crime, 52, 632.  
 Carlyle, T., on Howard, 13.  
 Carpenter, Mary, 698.  
 Catholic Institutions, Chaplains, 417, 482.  
 Cell, Early History, 90.  
   Number in the United States, 93.  
 Cellular System, 100, 114, 496, 673.  
   Philadelphia, Eastern Prison, 99, 158.  
   Applicable to first stage of graduated treatment, 352, 392, 579, 612, 674.  
   Experience of New Jersey and Rhode Island, 25.  
   Ghent and Louvain, 42.  
   German Model Prisons, 414, 418.  
   Detention Prisons, 332, 497, 612.  
 Central America, Prisons, 533.  
 Central Authority in Administration, 227, 606.  
   Examples, 227, 248, 427.  
   Absence, 533.  
   Absence in our State Systems, 95.  
   Medical Service in England, 242.  
 Cerebral condition of Criminals, 647.  
 Certified Industrial Schools, 79, 223, 609.  
 Ceylon, Prisons, 289.  
 Chains, 43.  
 Chair, Coercion, 417.  
 Channing, W. E., Society and Crime, 71.  
 Chaplain, Resident, 101, 174, 417.  
   Examples, 141, 147, 208.  
 Charities, Board of State, 135, 136.  
   Swedish System, 505, 508.  
 Charity, Prime Motive-Power, 687.  
 Charlestown State-Prison, 91.  
 Character Book of Prisoners, 516.  
 Chastel, Charity of Primitive Church, 69.  
 Children, declared by courts not responsible, 679, 682.  
   Special Confinement and Treatment, 81, 223.  
 Children's Aid Societies, 126.  
   New York, work done, 78, 81, 121.  
 Child-Placing in Families, 695.  
 Child-Reforming and Child-Saving different, 679, 689.  
 Child-Saving Institutions, viii, xxii, 67, 132, 225.  
   Ancient Hebrews, 67.  
   Primitive Christian Church, 69.  
   Denmark, 85, 492.  
   Germany, 73, 85, 427, 688.  
   Great Britain, 75.  
   England, 25, 223.  
   Scotland, 232.  
   Ireland, 239.  
   France, 81, 338.  
   Holland, 84, 400.  
   Italy, 85, 484.  
   Poland, 470.  
   United States, 80, 81, 127.  
   Discharged Inmates, 427, 700.  
   Results, 130, 170, 224, 402, 701.  
 China, Prisons and Criminal Law, 585.  
   Early Prison Lessons, 2.  
   Impartial Treatment of Offenders, 2.  
   Classification, 587.  
 Christian Associations of Young Men, 112, 208.  
 Christian Associations in Prison, 172, 208.  
 Christian Charity, 687, 696.  
 Christian Homes for endangered Children, 696.  
 Christiania Penitentiary, 515.  
 Christianity and Roman Law, 5.  
   Reformatory work, 69.  
 Christian Knowledge Society, Prison Reform, 6, 8.  
 Cities, American, School Attendance, 131.  
   Centres of Corrupting Influence, Escape from, 683.  
 City Prisons and Houses of Correction, 117, 172.  
   Examples, 33, 148, 172, 176.  
 Civilization, Public Authority or Personal Will, 5.  
 Classification, 333, 366, 372, 495, 637.  
   Crimes, 230, 353, 494.  
   Sentences, 332, 663.  
   Prisons, 92, 231, 352, 345, 637.  
   Prisoners, 92, 231, 290, 495, 518, 663.  
   As to national peculiarities, 673.  
   Social condition, 674.  
   Vicious basis, 18, 606.  
 Clay, John, Preston Jail, 29.  
   Deterrence and Amendment, 29.  
 Cleanliness of Person and Cell, 426.  
 Cleveland, Ohio, Industrial School, 167.  
 Clemency, Executive, 96, 119.  
 Codes, Criminal, Reforms, 640.  
 Coercive System of Discipline, 635.  
 Coldwater, Michigan, State Public School, 162.  
 Coleman, Dr., Cellular System, 215.  
 Colonie, Agricole, Reform Farm-School, 353.  
   Belgium, 353.  
   Denmark, 498.  
   England, 323.  
   France, 81, 338, 350.  
   Germany, 688.  
   Holland, 84.  
   Italy, 485.  
   Ohio, 166.  
   Poland, 471.  
 Colorado, Prison System, 182.  
 Columbia, United States of, Prisons, 547.  
 Columbia, District of, 214.  
 Common or Social Life for Criminals, 652.  
 Common Schools in Crime-Prevention, 606.  
 Commutation Laws, 24, 123, 155.  
   American Trials, 124, 155.  
 Commutative Sentence, 220.  
 Communication with family and friends, 638. [607.  
 Compulsory School Attendance, 131, 135, 156, 574.  
 Conciergerie at Paris, 346.  
 Conditional Liberation, 62, 123, 427, 428, 672.  
   Benefits to Society, 672.  
 Conduct, Prison Standard, 98, 141.

- Confinement, for trial, 479.  
   Punishment, 613.  
   Reformation, 610, 613.  
   Probation, 614, 615.  
 Congregate System *versus* Family, 104, 690.  
 Congresses, National and International, 42, 65.  
 Connecticut, Prison System, 138.  
   Old Newgate, 22.  
   State Reform School, Girls' Industrial, 139.  
   Preventive Institutions and Agencies, 140.  
 Construction of Prisons, 19, 53, 103, 116.  
 Contagion of good example — Influence, 361.  
 Contract System of Labor, 108-110, 628.  
   Detrimental to discipline and reform, 109, 509.  
 Convict Colonies, 30.  
 Convict Prisons, 630.  
 Copenhagen, Cellular Prison, 497.  
 Cordier, H., Alleghany County House, 89.  
 Corporal Punishment, in discipline, 174.  
   Reformatories, 699.  
   Prisons, 423.  
 Correction, Houses of, 114, 629.  
   Examples of good, 114, 148, 164, 176.  
 Correctional Imprisonment, 353.  
 Correspondence of Prisoners, 98, 248, 432, 541, 638.  
 Cos-Gayon, Prison Reform in Spain, 383.  
 Cost of Crime and Prisons, 93, 352.  
 County Jails, 115, 611, 629.  
   Badly managed, 153, 611.  
   Absence of Employment and Instruction, 102, 612.  
   Reconstruction and Substitution, 612, 629.  
 Craig, Major, Iowa Prison, 178.  
 Crawford, W., Report on American Prisons, 22, 27.  
   Results, Inspectors of Prisons, 28.  
 Crete, the Cretana, 4.  
 Crime, Causes, 113, 159, 397, 422, 502, 538, 562.  
   Conditions, cold-blood or passion, 648.  
   Character, 112, 434, 483.  
   Peculiarities, ethnological, 434, 484, 538, 558.  
   Prevention, 225.  
 Crime, a Psychological Anomaly, 650.  
 Crime-prevention and Crime-repression, 703.  
 Criminal Legislation, 35, 640.  
 Criminal Psychology, Despine, 641.  
 Crofton, Sir Walter, Progressive Classification, 32, 233.  
   Irish System of Prison Discipline, 230.  
 Croatia and Hungary, Prison System, 454.  
 Cropping, Branding, Pillory, Stocks, 22, 23.  
 Crosby, Howard, Prison Reform Institute, 706.  
 Cubitt, the Treadmill, 21.  
 Cumulative Sentences, 116.  
 Cyprus, Prison, 387.  
  
 DANNER, Asylum for Deserted Children, 498.  
 Danjan, Prize Essay of Royal Prison Society, 37.  
 Dante, cited, 1.  
 Dark Ages of Prison Discipline, 1-22.  
 Dark Cell, 362.  
 Day-routine in Prison, 358, 453.  
 Death-penalty, Limitations, 24, 467, 557.  
   Results of Abrogation on convictions, 174.  
 Death-rate, 120.  
 Debating Society, 181.  
 Debt and Debtors, Society for Relief, 10.  
   Abolition of Imprisonment, 24, 397.  
   Enforced, 576, 397.  
 Degrading Penalties, 663.  
 Delaware, Prison and Penal System, 160.  
 Delay of Trial, witnesses and accused, 39, 115.  
   Abuses in Portugal, 479.  
 Demetz and Mettray, 82, 341.  
   Four Principles observed, 342.  
 Denmark, Prisons and Penal System, 491.  
   Irish Progressive System, 493.  
 Denominational Character of Reformatories, 700.  
 Denne, Separation of Prisoners 1722, 9.  
 Despine, F., Reforms in Savoy, 32, 641.  
   The Criminal in the Psychological Condition, 641.  
   Treatment of Criminals suggested by Science, 650.  
   Criticism, by Dr Wines, 655.  
 Destitute and Deserted Children, 64, 127, 470, 695.  
  
 Deterrence from Crime, 38, 96, 337.  
 Detention Prisons, 368, 423.  
   For Trial, 362.  
   For Sentence, 347, 368.  
 De Tocqueville, cited, 109, 111, 119.  
 Detroit House of Correction, 89.  
 Dickens, Charles, 401.  
 Dietary, 98, 120, 221, 322.  
   Reasons for generous, 180.  
 Discharged Prisoners, Aid and Sympathy, 121, 616, 625, 675.  
 Relations to the State, 122, 625, 678.  
   Baden, 418.  
   Belgium, 359.  
   Brunswick, 433.  
   Denmark, 491.  
   France, 338, 351.  
   Great Britain, 225.  
   Hamburg, 440.  
   Holland, 398.  
   Italy, 489.  
   Saxony, 429.  
   Sweden, 512.  
   Württemberg, 429.  
   United States, 121, 136.  
 Discipline of Prisons, 62, 95, 362.  
   Penal and Reformatory, 634.  
   Reformatories and Asylums, 699.  
 Discretion as to Sentence, 24, 97, 661.  
   Executive Clemency, 119, 122.  
 Disgraceful Punishments, 24, 99, 376, 664.  
 District Prisons in Ideal System, 629.  
 District of Columbia, Prison System, 214.  
 Dixon, Hepworth, Life of Penn, 7.  
 Doepler, Jacob, Theatrum Pœnarum, 1693, 689.  
 Dominica, Prison, 280.  
 Dormitory, single and common, 520.  
 Dread of Discharged Criminals, 615, 686.  
 Drainage and other Sanitary Precautions, 120.  
 Ducpetiaux, Prison and Reformatory Work, 42.  
 Dublin, Prison System, 237.  
 Düsseldorf Rettinghaus, Child-saving Asylum, 691.  
 Duty, the Sentiment, 656.  
 Dwight, T. W., Prison Reform Institute, 704.  
  
 EARNINGS of Prisoners, 55, 94, 123, 510.  
   Portion to his support, 94, 354.  
   Support of family, 125.  
   Reserved for discharge, 123.  
   Lease System, 111, 191, 200.  
 East India Empire, Prison System, xi., 314.  
 Eastern Nations, Cruel Treatment of Prisoners, 3.  
 Education and Crime, 102, 606, 622.  
 Educational Agencies, 100.  
 Education, General, Duty of Governments, 73, 607.  
 Ekert, M., Director at Bruchsal, 418.  
 Eliot, W., City Prisons, Lock-ups, or Stations, 117.  
   Prison Reform Institute, 705.  
 Elmira Reformatory Prison, 96, 97, 152.  
 Emulation, the principle, 653.  
 Employments in Prison, 107, 423.  
   Variety in American, 197.  
 Encouragements, 98, 122, 420, 534, 614.  
 Endless Revolvers, 639.  
 Ends of Punishment, 29, 39.  
   Protection of Society, 29.  
   Repression of Crime, 29, 38.  
   Reformation of Criminals, 29, 342.  
 England, Penal and Reformatory System, 217.  
   Howard's Prison Work, 12.  
   Movements anterior to Howard, 6, 12.  
   Prison Construction and Discipline, 28.  
 Parliamentary Commissions, 27, 240.  
   Societies for Improvement, 17, 19.  
   Preventive and Reformatory Work, 223.  
   Discharged Prisoners' Aid Societies, 225.  
 Erzroum, Turkish Prison, 387.  
 Escapes from Confinement, 193, 346.  
 Evening School in Elmira Reformatory, 98.  
 Examples of severity not necessarily deterrent, 635.  
 Example, Influence on the Young, 668.



- Executive Clemency, 119, 395, 542.  
 Influence on Convicts, 120.  
 Execution of a Penalty, 661.  
 Exploit, Exploitation, 369.  
 Extraterritorial Treaties, International, 65, 683.
- FAITH in Reformatory Work, 55, 617.  
 Falk, John, Children-saver, 74, 690.  
 Friend in Need — Lutherhof, 690.  
 Falkland Islands Prison, 255.  
 Family-Reception of Vicious Children, 471.  
 Christian Charity, 695.  
 Family, the, for Homeless Children, 64, 144, 684, 695.  
 Conditions of a suitable Home, 695.  
 Institutions organized to resemble, 63, 139, 342, 696.  
 Earliest Examples, 76, 341, 470, 689.  
 Wichern's Rauhe Haus, 74, 695.  
 Skarbet in Poland in 1827, 470.  
 Family Life in Institutions, 162, 697.  
 Family of Criminals, 248, 536.  
 Family-placing in the West, 129.  
 Family System in German Reformatories, 696.  
 Farm School for City Juveniles, 47, 82, 84, 142.  
 Farmingham, Boys' Home, 528.  
 Fear and Hope, 39, 653.  
 Female Criminals, Special Treatment, 137, 630.  
 Progressive Classification, 630.  
 Refuge for Discharged, 226, 512.  
 Fences and Screens for Criminals, 632.  
 Festival-days, 177, 507, 690.  
 Field Work and Shop Work, 144, 401, 473.  
 Fiji Islands, Prisons, 297.  
 Financial Aims and Results, 89, 151.  
 Fines, worked out, 148, 559.  
 Finland Prison System and Question, 467.  
 First Offence — Treatment, 240, 612.  
 Foreigners in American Prisons, 94.  
 Children of Foreign-born Parents, 127.  
 Florida, Abuses of Lease System, 194.  
 Flogging, Scourging, etc., 99.  
 Food, 177, 180, 372, 425.  
 Forbes, A., Turkish Prisons, 387.  
 Frankfurt, International Congress, 43, 44.  
 Prison System, 430.  
 France, Prisons and Reformatories, xii., 329.  
 Nomenclature and Classification, 329, 330, 336.  
 Early Movements, 36.  
 Government Commission, 1872-75, 40.  
 Child-Saving Work, 81, 338, 342.  
 Superior Council of Prisons, 41.  
 National Prison Association, 41.  
 National Patronage Society, 41, 338, 350.  
 Royal Prison Society 1819, 19.  
 Naval and Military Prisons, 344.  
 Franke, A. H., Orphan House at Halle, 73, 689.  
 Franklin, Benjamin, 90.  
 Fraternity in Prison-work, 676.  
 Free-will, Limitations to, Despine, 655.  
 Biblical Doctrine, 655.  
 Fry, Mrs. E., Prison-work, 16, 20, 493.
- GALLEYS, and Penal Colonies, 332, 344, 486.  
 Gambia, Prison, 285.  
 Gangs, or Companies in Public Work, 285, 491.  
 Generous sentiments wanting in the Criminal, 646.  
 Georgia, Prison System, 192.  
 New Doctrine of State Responsibility, 192.  
 Germany, Child-saving Institutions, 688, 700.  
 Congregate and Family System, 693.  
 Religious Education, 696, 699.  
 German Empire, 403.  
 New Penal Code, and Prison Reform, 403.  
 Progressive Classification, 406.  
 German States, Individual, xiv., 403-446.  
 Ghent, Early Example of Improvement, 11.  
 Gibraltar, Prison and Station, 281.  
 Ginx's Baby, 72.  
 Girls, Neglected and Homeless, 64, 693.  
 Asylums and Industrial Schools, 139.  
 Vicious and Criminal, 694.  
 Gloucester Penitentiary, 15, 29.
- Golden-Bridge Refuge, 237.  
 Third Stage of Irish System, 237.  
 Good-behavior, Motives, 141, 416, 495.  
 Gouldsburg, M., Qualification of a Prison Officer, 284.  
 Government Relations to Crime, 192, 609.  
 International Treaties, 65, 683.  
 Gradation of Penal and Preventive Institutions, 606.  
 Great Britain, Prison Systems, x., 217-327.  
 England, 217-232.  
 Ireland, 233.  
 Scotland, 228-232.  
 East India Empire, 314.  
 Canada, 248.  
 Other Colonies and Settlements, xi.  
 New Prison Act, 1877, 1878, 217.  
 Royal Commission, 1878, 240.  
 Greece, Ancient Prisons, 3.  
 Modern Prison System, 529.  
 Grenada, Prison, 266.  
 Grotenfelt, A., Prison Question in Finland, 467.  
 Griffith, G. C., Model Contractor, 109.  
 Guatemala, Prisons, 539.  
 Guizot, cited, 5.  
 Guiana Penal Colony, 344.  
 Guillaume, Dr., Swiss Penal System, 526.
- HABIT, of Virtue, or Vice, 39.  
 Habitual Criminality, necessary conditions, 632.  
 Habitual Drunkards, 639.  
 Hague Detention Prison, 400.  
 Haines, Governor, 155.  
 Hamburg Prisons, 437.  
 Appointment of Officials, 438.  
 Hanway, Jonas, Plan of Reform, 14.  
 Hard labor, 106, 556.  
 Hardening influence of bad association, 478.  
 Excessive harshness, 664.  
 Haussenville, Viscount de, 40.  
 Hawaii, Prison System, 569.  
 Hay, William, in 1735, 9.  
 Hayes, Rutherford B., 46.  
 Hebrew Book of the Law, 2.  
 Parental and Filial Duty, 67.  
 Hill, Florence Davenport, 308.  
 Hill, Frederic, 28, 619.  
 Indeterminate Sentences, 619.  
 Hill, Matthew D., 28.  
 Hindu Code, 1.  
 Hoare, London Prison Society, 20.  
 Holidays, 177, 180, 699.  
 Holland, Prisons and Penal System, 392.  
 Cellular Classification, Activity, 393.  
 Holls, G. C., Wartburg Orphan Asylum, 688.  
 Holtzendorf, Baron von, 403.  
 Prison-Reform Academy, 707.  
 Irish System, 409.  
 Home-father and House-mother, German, 698.  
 Home-feeling to be cultivated, 362.  
 Home-placing of Neglected Children, 129.  
 Homes for Destitute Children, 143, 683.  
 Examples, 148.  
 Honduras, Prisons, 273.  
 Hong Kong, Prisons, 311.  
 Howard, John, Prison-work, 12.  
 Hope and Fear, 38, 54, 96, 286, 424, 431, 458, 613.  
 Horticulture for Prisoners, 107, 237, 325.  
 Hospitals for the Sick, 429.  
 Houses of Correction, 92, 629.  
 Examples, 114, 148, 176.  
 Household Duties and Work, for Children, 698.  
 Howe, George E., 139.  
 Humphrey, W., 161.  
 Hungary and Croatia, Prison System, 454.  
 Hunger-torture, 590.  
 Hygiene of Prisons, 120, 358, 511.  
 Hypocrisy, in Criminals, 360, 653.
- ICELAND, Prison, 499. [605.  
 Ideal System of Crime-Prevention and Repression,  
 Realized by Maconochie, 631.  
 Identification of Criminals, 633.

- Idleness, in and out of Prison, 113, 116, 608.  
 Compulsory, in Jail, 612.  
 Ignorance and Illiteracy, 101, 337, 355, 395, 422, 562.  
 Countries with the least, 428, 520.  
 Religious, 152, 502.  
 Industrial, 421, 423, 608.  
 Ignorance and Crime, 103, 272, 275.  
 Illinois, Penal and Correctional System, 171.  
 Preventive and Reformatory, 173.  
 Illiteracy, Statistics, 325, 337, 606.  
 Imbecile and Idiotic Prisoners, 240.  
 Indemnity for illegal and unjust confinement, 633.  
 Indeterminate Sentences, 619.  
 Indiana, Prisons and Reformatories, 168.  
 Incorrigibility, 617.  
 Individualization in Prison Treatment, 106, 411, 618.  
 Basis of Cellular System, 158, 424.  
 Individual Reformers, 23, 689, 697.  
 Individual Sympathy and Personal Aid, 608.  
 Indulgence and Severity, equally unsuitable, 55, 636.  
 Industrial Asylums and Farm-Schools, 74, 125, 609.  
 France, 341.  
 Germany, 74, 441, 688, 692.  
 Great Britain, 75, 223.  
 Poland, 471.  
 Scandinavia, 498.  
 United States, 129.  
 Industry in Prison-life, 107, 147.  
 For a Reformatory end, 432, 698.  
 Infant Nurseries, 339, 607.  
 Infant Schools, 339, 692.  
 Insane Criminals, Separate Asylums, 63, 172, 335.  
 Originating in the Discipline, 447.  
 Insanity and Crime, 647.  
 Insensibility of Criminals, Moral, 647.  
 Inspection, Official, 173, 507, 623, 666.  
 Unofficial but authorized, 241, 242, 624.  
 Instinctive Nature of each Criminal, 652.  
 Institutional Life, and the Family, 139, 683, 696.  
 Instruction to Prisoners, 96, 325.  
 Industrial, 151, 158, 357, 608.  
 Intellectual and Literary, 102, 356, 395, 665, 698.  
 Moral, 100, 356, 664, 698.  
 Religious, 100, 333, 356, 395, 698.  
 Intellectual Knowledge and Crime, 647.  
 Intemperance and Crime, 272.  
 Intermediate Prison System, 236, 237, 325, 406.  
 Experience at Luskand Golden Bridge, 236.  
 International Prison Congresses, 42.  
 Brussels, 44.  
 Frankfurt, 434.  
 London, 45.  
 Stockholm, 57.  
 Intimidation, 39, 685.  
 Intoxication in Norway, 522.  
 Iowa, Prisons and Reformatories, 178.  
 School-house within Prison precincts, 180.  
 Ireland, Penal and Reformatory System, 232.  
 Crofton or Irish System, 233, 409.  
 Modifications, 410.  
 Irons, 491.  
 Irregular Action of the Moral Sentiments in Crime, [643].  
 Isolation of Prisoners, 158, 616.  
 Accused and waiting for Trial, 456.  
 Italy, Prisons and Penal System, xvi., 481-490.  
 Early Movements, Pope Clement, 7, 66.  
 Normal School for Prison Officers, 487, 489.  
 Juvenile Prisons, Patronage Societies, 489.
- JAILS, 115, 148, 612.**  
 Reconstruction necessary, 612.  
 Jamaica, Prison System, 257.  
 Japan, Prison System, 595.  
 Jebb, Captain J., Pentonville Prison, 28.  
 Jewish Faith respected, 428.  
 Joliet Penitentiary, 171.  
 Journal of Prison Work, 499.  
 Judas, Overseer in Magas Prison, 346.  
 Julius, Dr., Visit to American Prisons, 404, 407.  
 Jurisdiction, National and State, 87, 413.  
 American difficulty, 87.
- German, 403, 413.  
 Russian, 413.  
 Juvenile Crime and Offenders, 80, 113.  
 Disproportionate excess over adult, 626.  
 French Code, 63, 350.  
 Special Treatment, 64, 625.  
 Home, Instruction, Work, Aid, 64, 350.  
 Experience of different countries, 398.  
 Patronage Society for Liberated Juveniles, 350.  
 Juvenile Prisons, Examples, 7, 349, 502, 625.  
 England, Parkhurst, 78, 79.  
 Reformatories practically Prisons, Places of Confinement, 349.  
 Elmira Reformatory, 97, 152.
- KANSAS, Prisons and Jails, 180.**  
 Labor managed by State, 181.  
 Kentucky, Prison System, 205.  
 Lease-Labor System, 112.  
 Juvenile Reformatory at Louisville, 206.  
 Kicki, Count, Bequest to Industrial Asylum, 474.  
 Kingsmill, Prison Work at Pentonville, 29.  
 Kirwan, Mrs., Women's Intermediate Prison, 237.  
 Liberty, Confidence, and Work, 237.  
 Kitchen, Garden, Laundry, 238.  
 Knowledge, apart from Moral Sentiments, 647.  
 Koranic Law, and Crime, 582.
- LABOR, Prisoners, 11, 107, 337, 357, 508, 622.**  
 Unintelligent and Unproductive, 652.  
 Penal, or Hard, for punishment, 106, 286, 373, 436.  
 Productive and Useful, 106, 158, 286, 322, 357.  
 Reformatory, 151, 321, 627, 698.  
 Individual isolated, 104, 158.  
 Silent and Associate, 373, 457, 652.  
 Labor System, 106-112.  
 Profitable to Prison, 106, 108.  
 Participation in Earnings by prisoner, 151.  
 Family or Children, 158, 698.  
 Reserved till Discharged, 230.  
 Disposed of by Auction, 412.  
 Contract System, 108, 483.  
 Lease System, 111.  
 State Management, 108, 418, 522.
- Labuan, Prison, 299.**  
 Lama, Dr. T., Penitentiary at Lima, 562.  
 Lamarque, Jules de, 338.  
 Lambelet, M., Bequest for Girls' Asylum, 527.  
 La Petite Roquette Prison, 349.  
 Saddest Spectacle in Paris, 350.  
 La Santé, the Model Prison of Paris, 349.  
 Lash, painful and disgraceful, 99.  
 Gradual and general disuse, 24, 99.  
 Lastres, Señor, Prison Reforms in Spain, 384.  
 Latimer, London Prison in 1550, 6.  
 Lease System of Prison Labor, 111, 191, 200.  
 Abuses, 112, 320.  
 Lectures to Prisoners, 99, 137.  
 Liberty, its attractions, 653, 654.  
 Moral Free-will, 656.  
 Deprivation, reasons for, 663.  
 Liberia, Prisons, 575.  
 Legislation respecting Criminals, 60.  
 Liberated Prisoners, 62, 359, 487, 645.  
 Need sympathy, advice, and money, 122.  
 Public distrust, 686.  
 Libraries for Prisons, 102, 353, 355, 421, 425, 451.  
 Lichtenstern, under Herr Volter, 691.  
 Literary and Moral Instruction, 395.  
 Livingston, E., Code, 23, 126.  
 Livy, Prisons of Old Rome, 5.  
 Lodging-house for Vagrants, 128.  
 Local Council of Supervision, 353.  
 Locality of Reformatories, 697.  
 Lock-up, or City Stations for detention, 117, 186, 611.  
 London Prisons and Prison Reforms, 6.  
 Philanthropic Society, 19, 76, 778.  
 Prison Discipline Society, 1815, 18, 19.  
 Ragged School Union, 225.  
 International Prison Congress, 45.  
 American propositions, 49; Modifications, 54.



- Louvain Penitentiary, 42, 362.  
 Love, an Agent of Discipline, 11, 618.  
   In Humane Activity, 657, 687.  
 Lübeck, Prisons, 442.  
 Lucas, Charles, Principles, 38.  
   Publications, 37, 38.  
 Lusk, Irish Intermediate Prison, 236.  
 Lynde, Elam, 109.
- MACAULAY, Lord, Prison Reform in India, 314.  
 Mack, Mr. and Mrs., Orphans' Home, 142.  
 Maconochie, A, Prison Discipline, 32, 106, 614, 637.  
   Indeterminate Sentence, 619, 621.  
 Maiming and torture, 491.  
 Maine, Penal and Reformatory System, 145.  
   Influence of the Maine Law, 145.  
 Malta, Prisons and Lock-ups, 288.  
 Mark-System for Progressive Classification, 33, 310.  
   Applied at Elmira, 97.  
 Martin, Henry, Duty of Society to Children, 475.  
 Maryland, Prisons and Reformatories, 211.  
   Preventive Institutions and Agencies, 212.  
 Massachusetts, Penal and Reformatory System, 133.  
   Boston Prison Discipline Society, 1824, 19.  
   State-Prison at Charlestown, Concord, 91.  
   State Workhouse at Bridgewater, 134.  
   State Primary School for Abandoned Children, 135.  
   Women's Prison at Sherburne, 134.  
   Reform School for Boys, 135.  
   Industrial School for Girls, 135. [135.  
   Farm Schools, and other Preventive Institutions,  
   Truant Schools, Visiting Agency, Orphan Asyl-  
   lums, 136.  
 Materialism a Cause of Crime, 434.  
 Mazam and Minimum Sentences, 630.  
 Mazas Prison, Paris, Cellular, 346.  
 Meat in Prison Diet, 120.  
 Medical Service of Prisons, Superintendent, 242.  
 Mercer, A., Adult Reformatory for Women, 250.  
 Mettray and DeMetz, 82, 341.  
   Based on certain Principles, 342.  
 Mexico, Prison System, 533.  
 Michigan, Penal and Reformatory Work, 161.  
   Prisons, Houses of Correction, Jails, 161.  
   Reform School, 162.  
   Public School, and Home for Waifs, 162.  
   Visiting Agencies for Young Delinquents, 163.  
 Middletown, Girls' Industrial School, 139, 610.  
 Military Discipline, 376, 636.  
 Military Prisons, 344, 398.  
 Mill, John Stuart, cited, 241.  
 Minimization of Crime, 605.  
 Minnesota, Prison System, 177.  
 Minority, Division into three Periods, 470.  
 Minors exposed to Temptation, 64.  
   Large Proportion of Criminal Population, 471, 626.  
   Special Prison and Treatment, 626.  
 Mississippi, Prison System, 196.  
 Missouri, Prisons and Reformatories, 201.  
 Mittermaier, 405.  
 Moabit Prison, near Berlin, 414.  
 Molesworth, Sir W., Transportation, 30.  
 Monitor, substitute for House-father, 401.  
   Employed by Maconochie and Montesinos, 637.  
 Montesinos, Reformatory Work in Spain, 30, 637.  
 Montesquieu, Spirit of Laws, 9.  
 Moral Amelioration of great Criminals, 652.  
 Moral Anomalies in Crime, 644.  
 Moral Biography, Classification by, 360.  
 Moral Forces *versus* Physical, 51, 99, 172, 237, 517.  
 Moral Instruction and Agencies, 336, 356.  
 Moral Sense or Conscience, 645.  
 Morey, Motive on Labor Contractors, 111, 194, 199.  
 Morocco, Prisons, 578.  
 Mortality, 326.  
 Moscow, Prison System of Sollohn, 33.  
 Moses, Ordinances respecting Children, 68.  
 Motives in a good Life, 96, 155, 621.  
 Mottos on Walls of Prisons, 402.  
 Mouat, Intermediate Imprisonment, 326.  
 Mullen, W. J., Philadelphia Prison Society, 122.
- Munich, Obermaier Reforms, 32, 422.  
 Mumford, Colonel, Volunteer Work, 204.  
 Murder, Difficulties for Conviction of, 176.  
   Death-Penalty, and Life or Term of Years, 176.  
 Murray, Miss, Victoria Asylum, 78.  
 Music for Amusement and Devotion, 182.  
   Reformatory Agency, 148, 698.  
 Mutual Corruption in Prison Association, 38.
- NATAL, Prison, 282.  
 National Prisons in United States, 100.  
 National Prison Reform Conventions, 45.  
   Associations, 46.  
 Naval Prisons, 344.  
 Nebraska, Prisons, 182.  
 Neglected Children, Asylums, 130, 132, 427.  
   German System, by Dr. Holls, 688.  
 Netherlands Mettray, 84, 400.  
 Netherlands, Reforms by Maria Theresa, 10.  
 Nevis, Prison, 279.  
 New Brunswick, Prisons and Jails, 253.  
 New Caledonia, Penal Colony, 344.  
 New England States, Prisons, 133.  
 Newfoundland, Prisons, 251.  
 Newgate Prison, Connecticut, 32.  
 Newgate Prison, London, 6, 20.  
 New Hampshire, Penal and Reformatory System, 142.  
   Orphans' Home on the Webster Homestead, 142.  
 New Jersey, Prison and Reformatory System, 154.  
   Trial of Cellular System, 25.  
   Family System of Reformatories, 156.  
 New York City, Reformatory Work, 80, 125.  
   Child-Saving Work, 127.  
   Female Guardian Society, 127.  
 New York, State System of Prisons, 149.  
   Reformatory and Preventive, 125, 154.  
   Inspection, State Officers, 100.  
   Unofficial but Authorized, 241.  
   System with Discharged Prisoners, 122.  
   State Industrial Reformatory, 97, 152.  
 News-Boys' Lodging-Houses in New York, 128.  
 New South Wales, Prison System, 301.  
 Newspapers admitted, 439.  
 New Zealand, Prison System, 294.  
 Nomenclature, 148, 329, 405.  
 Norfolk Island, Maconochie's Work, 631.  
 Normal School for Prison Officers, 62, 66, 669.  
   Preventive Institutions, 342, 691.  
   Prison Teachers, 401.  
 North Carolina, Prisons, 201.  
   Labor System, 202.  
 Norway, Prison System, 513.  
   Classes, Administration, Treatment, 514.  
 Nova Scotia, Prisons, 253.  
 Numbers, Sympathy of, 105.  
   Should not exceed individual attention, 38, 64.  
 Nya-Varfort, Model Juvenile Prison, 502.
- OBERLIN, Pastor, Infant Schools, 339.  
 Obermaier, Prison Reform at Munich, 32, 422.  
 Occupations in Prison, 235, 419, 608.  
 Officers, 62, 93, 354, 624, 669.  
   Gradation in Rank and Responsibility, 51.  
   Qualities of Character, 62, 430, 616.  
   Qualifications, 110, 285, 414, 502, 624.  
   Training, 55, 65, 246, 342, 624, 669.  
   Trial, 426, 503, 675.  
   Appointment, 100, 150, 160, 421, 426.  
   Tenure, 110, 150, 428.  
   Salaries, 51, 62, 94, 669.  
   Pensions, 419.  
   Examples of Good, 29, 104, 145, 207, 515.  
 Ogilthorpe, Gen., Reforms in 1728, 3.  
 Ohio, Penal and Reformatory System, 164.  
   Prisons, Houses of Correction, Jails, 164.  
   Juvenile Refuge-home for Girls, 165.  
   State Reform Farm, 166, 697.  
   Asylums, County, Industrial Schools, 167.  
 Ontario Province, Prison System, 250.  
   Industrial Prison for Women, 250.  
 Oral Methods and Conversations with Adults, 505.



- Oregon, Prisons and Jails, 186.  
 Organization of Penal System, 95, 622.  
   Defects in United States, 95.  
   Excellent Specimens, 499.  
 Organized Persuasion, 617.  
 Orphans and Destitute Children, 69, 498, 512, 607.  
   Family Placing, 129, 135.  
   Special Institutions home-like, 73, 131.  
   Private Resources and Management, 175.  
   Public Aid and Inspection, 223.  
   Examples, 137, 142, 163, 165.  
 Oscar, Prince, Punishments and Prisons, 34.  
   Practical Application as King, 35.  
 Oslebshausen Prison, Radiating Cellular, 434.  
 Out-of-prison Work, 452, 519.  
 Outsiders and Criminals, 477.  
  
 PATN and Suffering as motives to be good, 635. [654.  
 Parable of the Good Shepherd in prison treatment,  
 Pardons, Executive, 119, 379, 459, 542.  
   Conditional, 119, 458.  
 Parental Duty and Neglect, 224, 679.  
   Hebrew Book of the Law, 67.  
   Responsibility for Expense of Minors, 224.  
 Paris, Prison System, 345.  
 Parkhurst Juvenile Prison, 78, 79.  
 Parkington, Sir J., Lord Hampton, 56.  
 Participation of Earnings by Prisoners, 123, 510.  
   Salutary Influence, 124.  
 Patronage Societies, 41, 338, 675, 687.  
   For Females Discharged, 338, 351.  
   State Aid, 678.  
 Paul, Sir George O., Reform in 1790, 15.  
 Pauper Children, Scotch system of placing, 225.  
 Peculium, 333, 450, 653.  
 Peel, Sir Robert, 18.  
 Penalties, Assimilation *versus* Classification, 665.  
 Penitentiary, original meaning, 191.  
 Penitentiary Question, 39, 661.  
 Penitentiary Journal, Copenhagen, 499.  
 Penitentiary Reform, 23, 61, 158, 159.  
 Penal Codes and Prison Practice, 35, 60, 365.  
 Penal Colonies, French, 344.  
 Penal Labor, 106, 286, 337.  
 Pennsylvania, Penal and Reformatory System, 157.  
   System of Individual Treatment, 25, 90.  
   Western Penitentiary, 26.  
 Pensions for Prison Officers, 419.  
 Pentonville Prison, 28.  
 Persia, Prisons, 582.  
 Persuaders and Organized Persuasion, 50, 638.  
 Personal Influence of Prison Teacher, 506.  
 Peru, Prison System, 560.  
 Perversity in Criminal Courses, 39, 652.  
 Pestalozzi, Henry, Child-saving Work, 690.  
 Pestalozzi Asylums, 441.  
 Petersen, R., Christiania Penitentiary, 515.  
 Philadelphia, Prison Work, 22, 25, 157.  
   Society to Ameliorate Miseries 1776, 19, 121.  
   House of Refuge, 80.  
   Cellular System, 25, 29, 158. [159.  
     Abandoned in Pittsburgh Western Penitentiary,  
 Philanthropic Society, London, 1788, 19, 76.  
 Photography and Registry of Criminals, 633.  
 Physical Force *versus* Moral, 90.  
 Pillory, Stocks, Whipping, Branding, 22, 23.  
 Pillsbury, Father and Son, 89, 109, 622.  
   Grandson, 151.  
 Pistole, a Privileged Class, 353. [26.  
 Pittsburgh Western Penitentiary, Trial of Systems,  
 Plato, Ideal Prison System, 4.  
 Plays in Child-saving Institution, 699.  
 Plutarch, Ancient Prisons, 4.  
 Poland, Prisons and Reformatories, 470.  
   Child-saving Institution, 470, 475.  
   Model Organization, 471, 472.  
 Police, co-operation with voluntary efforts, 65, 246.  
   International Action, 634.  
 Politics, in Prison Administration, 109, 605, 620.  
   Modes of Avoidance, 150, 606, 610.  
 Pope Clement XI., Prison Reformer, 7, 659.  
  
 Portugal Penal System, 476.  
   Short-comings and Abuses, 477-479.  
 Powell, Birmingham Asylum, 78.  
 Powers, Gershom, 109.  
 Premiums and Prizes for Good Conduct, 395, 435.  
 Prevention, 213, 225, 607.  
 Preventive Institutions, 144, 212, 343, 607, 682.  
   Governmental, Voluntary, Combined, 607.  
   Action of Stockholm Congress, 63.  
   American Children's Aid Societies, 127, 130.  
   Belgium and Holland, 363, 400.  
   French System, 341, 343. [700.  
   German Systems of Family Institutions, 688, 693,  
   Great Britain, vast System and Results, 223, 608.  
   Poland, early and recent Establishments, 470, 474.  
   Scandinavian States, 498, 512, 524.  
   Italy, 484.  
 Prison-bird, Odium of Imprisonment, 19.  
 Private Charity in Reformatory Work, 678, 689.  
   Initiative and Management, 610.  
   Aided and Inspected by State, 610.  
 Privileges of Prisoners, 496, 638, 671.  
   Correspondence with Friends, 638.  
   Monitors and Assistants, 637.  
   More Generous Diet, 62.  
   Out of Prison Work, and less Restraint, 452.  
   Participation in Earnings, 34, 555.  
   Shortening of Sentence, 417.  
   Transference to less coercive Prison, 418.  
 Probationary Discharge, 494.  
 Probationary Stage of Confinement, 458.  
 Proclivity to Crime, Educational Restraint, 644.  
 Progressive Classification, 289, 460, 486.  
   Results, 490, 495, 550.  
 Providence, R. I., Prevention and Reform, 137.  
 Protection of Society, 54, 144, 613.  
 Protestant Brotherhoods for Christian Work, 415.  
 Provisional Liberation, 300, 317.  
 Prussia, Prison System, 411.  
 Psychological or Soul Faculties, 648.  
 Psychology of the Criminal, 642.  
   Moral Anomalies, Feebleness or Absence, 645.  
 Publication of Official Reports, 45.  
 Public Opinion, Institutional, 35, 105, 244, 361.  
 Punishment, in Prison, end of, 38, 54, 613, 620.  
   Dark Cell, Bread and Water, 362.  
   Penal or Hard Labor, 106.  
   Corporal Punishment, the Lash, 99.  
   Reprimand, 417.  
   Deprivation of Privileges, 417, 671.  
   Treadmill, 417.  
   Irons, Stocks, Branding, 22.  
   Bastinado, 376, 583.  
   Torture, 22.  
  
 QUEENSLAND, Prisons, 311.  
  
 RADIATING Blocks of Cells, 415.  
 Ragged School Union, 225.  
 Rauhe Haus, near Hamburg, 693.  
   General Principles and Results, 693.  
   Pensionate or Boarding Pupils, 698.  
   Brothers for Prison Work, 419.  
   Results in Germany, 700.  
 Raumer, Charles von, Destitute Children, 692.  
 Read and Write, ability to, 158.  
 Reading Prison, 1844, 29.  
 Reading-room, Prison, 99.  
 Recidivists, Relapses, 337, 484, 520, 687.  
 Reconvictions and Cumulative Sentences, 116, 261,  
   421, 422.  
 Record of Criminal Convictions, 360.  
   Causes, Conditions, Persistence, 360.  
   Marks in Irish System, 235.  
   Recreations at Noon, 422.  
 Reduction of Prison Term, 620.  
   Motive, and Reward of Good Conduct, 96, 155, 621.  
 Reformation of Criminal, 29, 120.  
 Reformation Sentences, 627.  
 Reformatory Schools, 610, 672.  
   Origin, 73, 125.

- Not Families, but Institutions, 696.  
 Inmates received on Sentence of Court, 173, 679.  
 Belgium, 363.  
 England, 19, 225.  
 France, 338, 343.  
 Germany, 73, 687.  
 Ireland, 239.  
 United States, 125, 166.  
   Results, 126, 141, 224, 610.  
 Reform of Prisons, 1-68.  
 Reform the end in Farm School, 341, 366.  
 Registers of Criminals, and Photography, 633.  
 Rehabilitation, 24, 49, 287.  
 Reinthaler, C., the Martinistift at Erfurt, 690.  
 Relapse of Reformed, 136, 137, 229, 415, 603, 665, 685.  
   How to combat, 685.  
 Religion in Reformatory Work, 55, 100, 622, 653, 698.  
   Convictions respected, 64, 451, 693.  
 Religious Instruction, 100, 170, 699.  
   Belgium, 356.  
   England, 221.  
   France, 336.  
   Germany, 690, 699.  
   Ireland, 234, 239.  
   Scotland, 220.  
   United States, 99, 141.  
 Religious Men in Prison Administration, 415.  
 Repeated Commitments, 52, 397, 687.  
 Rescue Institutions, 498, 512.  
 Resistance of the Prisoner to Discipline, 663.  
 Resident Chaplain, 101.  
 Responsibility of Children for their Acts, 682.  
 Retribution, in Discipline, 49.  
 Reuss, Prison System, 443.  
 Rewards, System, 49, 336, 360.  
 Rhode Island, Penal and Preventive Institutes, 136.  
   Trial and Abandonment of Cellular System, 26.  
   State-Farm Prison School at Cranston, 137.  
   Prisoners'-Aid Friends Society, Nursery, &c., 138.  
 Right and Wrong, Knowledge of, 679.  
   How far Intuition, 679.  
   When sufficient, 689.  
 Rijsselt, Netherland Mettray, 400.  
 Rome, Ancient, 4; Modern, 490.  
 Royal Commission on Convict Prisons, 1378, 240.  
 Rush, Benjamin, Criminals can be reformed, 154.  
 Russia, Penal and Reformatory System, 472.  
   Banishment to Siberia, 462, 466.  
 Rutland, Vt., House of Correction, 148.  
 Ruysselede Farm-school, 364.  
  
 SAFE-KEEPING, Accused and Witnesses, 38, 115.  
 Salaries of Officers, 94.  
 Sallust, Prisoners of Rome, 5.  
 Sampson at work in Prison, 54, 120.  
 Sandwich Islands, 569.  
 Sanitary Conditions, 54, 120, 240.  
 Santa Lucia Prison, 271.  
 Saving and Protection, 67, 131.  
 Savings-banks in Children's Aid Society, 127.  
 Savoy, Despine's Work, 32.  
 Saxony, Prison System, 424.  
 Scandinavian Countries, xvi., 491-524.  
   Denmark, 491; Sweden, 499; Norway, 513.  
   Labor System different in each, 522.  
 Scarbet, Count F., Neglected Children, 1837, 470.  
 Schools *versus* Prisons, 224, 487.  
 Schools and education in relation to Crime, 224, 482.  
   Day or Evening, in Prison, 98, 179, 355, 423.  
   School-mistress for Women, 507, 482.  
   School-masters, Resident, 409, 506.  
   Model Methods in Sweden, 505.  
 Science-study of Crime, Despine, 649-660.  
 Science-treatment of Criminality, 641, 650.  
   In harmony with Moral, 655.  
 Scourging, 99.  
 Scotland, Transitional Condition, 228.  
   Prisons, Perth, Paisley, Ayr, 228, 251.  
   County Jails, Chaplains, Schools, Libraries, 229.  
   Longer Sentences, 230.  
   Aid on leaving by instalments, 230.  
  
 Payments proportionate to Behavior, 230.  
   Child-saving, Insane Prisoners, 232.  
 Seaside Summer Excursions, 129.  
 Seiss, M., Prison teacher and correspondent, 519.  
 Self-help, 50, 55, 145, 236.  
 Self-interest, 49, 237, 618, 645.  
 Self-respect, 50, 245, 618.  
 Sentences, long or short, 109, 119, 261, 619.  
   Maximum fixed by States, 619.  
   Minimum until Reformation, 627.  
   Discretion of Court, 119, 353.  
   Determined by Administrators, 114, 620.  
   Subject to Executive Clemency, 119.  
   Examples, France, 332.  
   Practically determined by prisoner's reformation, 353.  
 Separate Cells at all times, 91, 114, 346, 352.  
 Sequestration an element in punishment, 651.  
 Seward, W. H., 23.  
 Sewerage and Sewer-gas, 421.  
 Sex, in crime and exposure, 24, 94, 694.  
 Prison, 63, 64.  
   Treatment, 63.  
   Asylums, 143, 693.  
 Short Sentences, 252, 518.  
 Silence and Solitude, 8, 673.  
   First Stage of Penal Treatment, 614.  
 Siam, Jail and Punishments, 581.  
 Siberia, Banishment to, 462, 469.  
 Size of Prison, 93, 102, 106, 116.  
 Sisters of Charity, 237, 331, 540, 549.  
 Slaves, Imprisonment, 504.  
 Sleep, 511.  
 Snedaker, Kentucky Penitentiary, 199.  
 Social condition of inmates of Reformatories, 687, 694.  
 Socialistic Movement, 441.  
 Social Nature, 104, 106, 159, 361, 614, 652.  
 Societies for Prison Reform, 18, 23.  
   England, 17, 19.  
   France, 36.  
   Holland, 398.  
   Spain, 382.  
   Switzerland, 43.  
   United States, 23.  
 Society and Crime, 53, 72, 82, 615, 686.  
 Socrates, Prison Life, 3.  
 Soldiers' Orphans, Asylums and Homes, 142.  
 Solitary Confinement, 64, 104, 243.  
   Not suitable to Criminals of moral infirmity, 652.  
 Solitude and Silence, 26, 674.  
 Sollohub, Count, Reforms at Moscow, 33, 46, 361.  
 South American States, Prison Systems, 547.  
 South Australia, Prisons, 304.  
 South Carolina, Prisons and Jails, 196.  
 Southern States, 188-213.  
   Lease System of Labor, 197, 200.  
   Neglect of Schools and Education, 192.  
 Spain, Penal System, 365, 383.  
   Wretched Condition, 365-379.  
   Montesinos' Labors, 31, 375.  
 State Aid to Discharged Prisoners, 192, 433.  
 State Central Authority, 606.  
 State (in United States) Penal Institutions, 133.  
   Prisons and Administration, 120, 606.  
   Reformatories, 126.  
   Workhouses, 114.  
   Asylums and Farms for Neglected Children, 127.  
 Station Houses, 92.  
 Statistics of Prisons, 56, 62, 90, 126, 133, 633, 667.  
 St. Augustine, St. Basil, St. Chrysostom, 70.  
 St. Helena, Prison, 288.  
 St. Hubert Juvenile Prison, 363.  
 St. Kevin, Reformatory in Ireland, 239.  
 St. Kitts Prison, 279.  
 St. Lazare Prison, for Women, 348.  
 St. Michael, Juvenile Prison at Rome, 7.  
 St. Paul's doctrine of the Conscience seared, 658.  
 St. Vincent Prison, 265.  
 Stevens, Inspector-general of Prisons, 42, 360.  
 Stockholm, International Congress, 1878, 57.



- Stocks, Irons, Pillory, Torture, 3, 22.  
 Straits Settlement, Prisons, 297.  
 Studzieniec, Farm-School after Mettray, 474.  
 Suffering or Pain, Memory of, 685.  
 Sunday, 101, 137, 179.  
 Sunday Occupation, 101, 451, 700.  
 Bible Class, 101.  
 Moral Lectures, 137, 656.  
 Preaching or Mass, 420, 428.  
 Visits from Friends, 451.  
 Volunteer Workers, 420.  
 Sunday School, 101, 137, 179.  
 Superintendent, State, 100, 606.  
 Institutions, 371, 507, 606.  
 Supervision, too minute, 639.  
 Support, Earnings of Prisoners, 416, 425, 433.  
 Appropriation by State, 416.  
 Prisoners direct payment, 416, 442.  
 Suringar, W. H., Netherlands, Mettray, 84, 398, 968.  
 Sweden, Penal System, 341, 499, 501.  
 Royal Administrator, 499.  
 Selection and Training of Prison Officers, 503.  
 Instruction, Teachers and Methods, 504, 505.  
 Switzerland, Progress in Prison Work, 526.  
 Sympathy and Encouragement, 122, 562, 608, 695.  
 Systems and Modifications, 92.  
 Auburn, or Congregate, 215, 217.  
 Crofton, or Irish, 32.  
 Maconochie, 32.  
 Pennsylvania, 26, 42, 63.  
 Absence of any and all, 114.  
 Ideal System, 605.  
 TALLACK, Howard Association, 243.  
 Tasmania, Penal System, 312.  
 Tauffer, Emile, Progressive System, 455.  
 Tenderness and Justice Combined, 618.  
 Tenure of Office, 150, 248.  
 Bearing on the Labor Question, 110.  
 Tennessee, Prison System, 207.  
 Lease System of Labor, 208.  
 Term of Sentence, Average, 119.  
 Shortened by good behavior, 38, 97.  
 Classified for Punishment and Reformation, 614.  
 Test or trial of reformatory work, 615.  
 Texas, Prisons, 189.  
 Theft, 44.  
 American Criminals, 112.  
 Thiers, M., Infant Schools, 340.  
 Thompson, Prison Cruelties, 1730, 8.  
 Ticket-of-leave Men, 300, 317.  
 Tobacco in Prison, 270, 423, 511.  
 Tocqueville, Alexander De, 109, 111, 115.  
 Tofte-gift, Farm School, 524.  
 Torture, 3.  
 Chinese Criminal Treatment, 592.  
 Trade-depression and Disturbance, 113.  
 Trade-instruction for Children, 608.  
 Trades, followed by Criminals, 107, 419, 452, 652.  
 Acquisition of, in Prison, 33, 107, 158, 286, 357.  
 Training of Prison Officers, 342, 355, 691.  
 Reformatory Officers, 503.  
 Preventive Work, 415, 691.  
 Tramps, 115. [474.  
 Trajeuski, Teacher of Polish Model Reformatory,  
 Transportation-penalty, 30, 344, 666.  
 Abrogation, 30.  
 Used as a Reward, 470, 471.  
 Transference from one Prison to another, 485, 628.  
 Treadmill, Cubitt, 21, 321.  
 Unknown in American Prisons, 106.  
 Trial, Delay of, 479.  
 Separation from Convicts, 92.  
 Trinidad Prisons, 262.  
 Truants and Truant Schools, 135, 156.  
 Turkey, Prisons and Lock-ups, 385-391.  
 Letter of Minister at Washington, 385.  
 Turks Island, Prison, 278.  
 VAGRANTS, male and female, in N. Y. City, 130.  
 Streets free in School Hours, 131.  
 Valencia Prison, Montesinos' Reform, 30.  
 Vancouver Island, Prison, 254.  
 Vander Recke, Count, Dusselthal Reformatory, 691.  
 Vaux, R., Individual Treatment System, 158, 159.  
 Ventilation and other Sanitary Conditions, 54, 120.  
 Victoria, Irish Prison System, 307.  
 Vilain, Viscount, Ghent Prison, 11.  
 Virgin Island Prison, 279.  
 Virginia, Prison System, 203.  
 Visiting Agency for Juveniles, 135, 163.  
 Visitors, authorized, but unofficial, 241.  
 Official, 242, 359, 497.  
 Friendly and Family, 54, 536, 638.  
 Medical Officers, 242.  
 Associations, 19.  
 Voluntary Associated Preventive Work, 609, 610.  
 Volunteer Prison Workers, 24, 54, 108.  
 City Lock-ups and Station-houses, 118.  
 Excluded, 425. [694.  
 Volter, Ludovicus, Child-saving Institutions, 692.  
 Von Raumer, Charles, Child-saving School, 692.  
 WAKEFIELD, Refuge for Discharged Prisoners, 227.  
 Wardens, 183, 284.  
 Supreme as to Discipline and Contractors, 628.  
 Examples of Success, 145, 172, 207, 290, 515.  
 Warwickshire Asylum for Juvenile Offenders, 78.  
 Washburn, Gov., Abrogating Death-penalty, 176.  
 Waukesha Industrial School, 175.  
 Wayland, Francis, Prison-reform Institute, 705.  
 Werner, Gustavus, Child-saver, 692.  
 Wesleys and the Godly Club, Prison Work, 9.  
 West Australia, Prisons, 311.  
 Westborough, State Reform School, 126.  
 West Virginia, Penal Institutions, 164.  
 Webster, Daniel, and the Old Home, 142, 144.  
 Wethersfield, State-prison, 138.  
 Whately, R., Primary Object of Punishment, 29.  
 Indeterminate Sentences, 619.  
 Whipping, 24, 99, 289.  
 Wichern, J. W., Child-saving Work, 55, 341, 688.  
 Wilkinson, Maryland, State-prison, 211. [615.  
 Will of Prisoner and his Reformer Coincident, 50.  
 Examples of highest Success, 518.  
 Windsor, Vt., State-prison, 147.  
 Wines, E. C., State of Prisons, Preface, Death, iii.  
 Crime, its Causes and Cure, 641.  
 International Prison Congress, 46.  
 Ideal System of Crime-prevention, 605.  
 Prison-reform Institute, 703.  
 Wisconsin Prisons, Reformatories, Asylums, 173.  
 State Board of Charities, Women Members, 173.  
 Death-penalty abolished, more Convictions, 176.  
 Industrial School for Girls and Boys, 175.  
 Orphan Asylums, Denominational, 175.  
 Wistar, Richard, and Philadelphia Society, 121.  
 Women, as Criminals in Proportion to Men, 102, 416.  
 Treatment in Special Prisons, 137, 630, 378.  
 Superintendents of Female Convicts, 135, 237.  
 Examples of Heroic Devotion, 135, 143.  
 Child-saving Work, 55.  
 Participants in International Congresses, 54.  
 Members of Prison Boards, 133, 155.  
 Special Prison at Sherborn, Mass., 134.  
 Other Special Prisons, 227, 377.  
 Woolsey, T. D., Prison-reform Institute, 704.  
 Work, Steady, healthful and useful, 55, 107, 698.  
 Calculated to Reform, 436.  
 Workhouses for Vagrants, Inebriates, etc., 114.  
 Examples, 164.  
 Württemberg Prison System, 427.  
 Child-saving Institutions, 692.  
 Wurtz, P. I., Home for Children at Neuhoof, 692.  
 YARDS turned into Gardens, 519.  
 Young criminals, special treatment, 64, 350, 625.  
 ZELLER, C. H., at Beuggen, 690, 691.  
 Zuickau Penitentiary, Individual Treatment, 424.



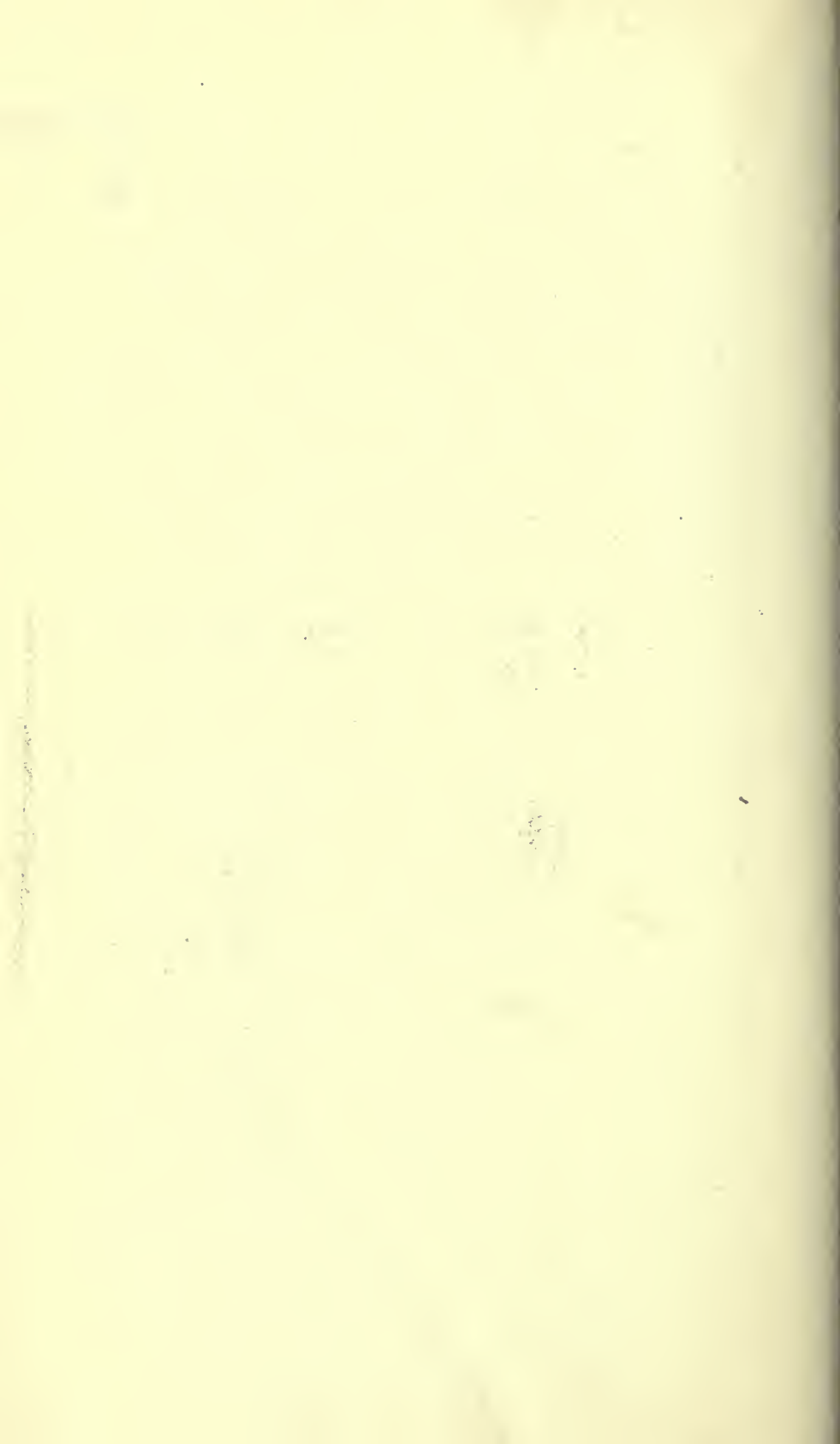












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